

THE UNIVERSITY OF CHICAGO PRESS

ANSWER
OF THE
HON. HONORÉ MERCIER

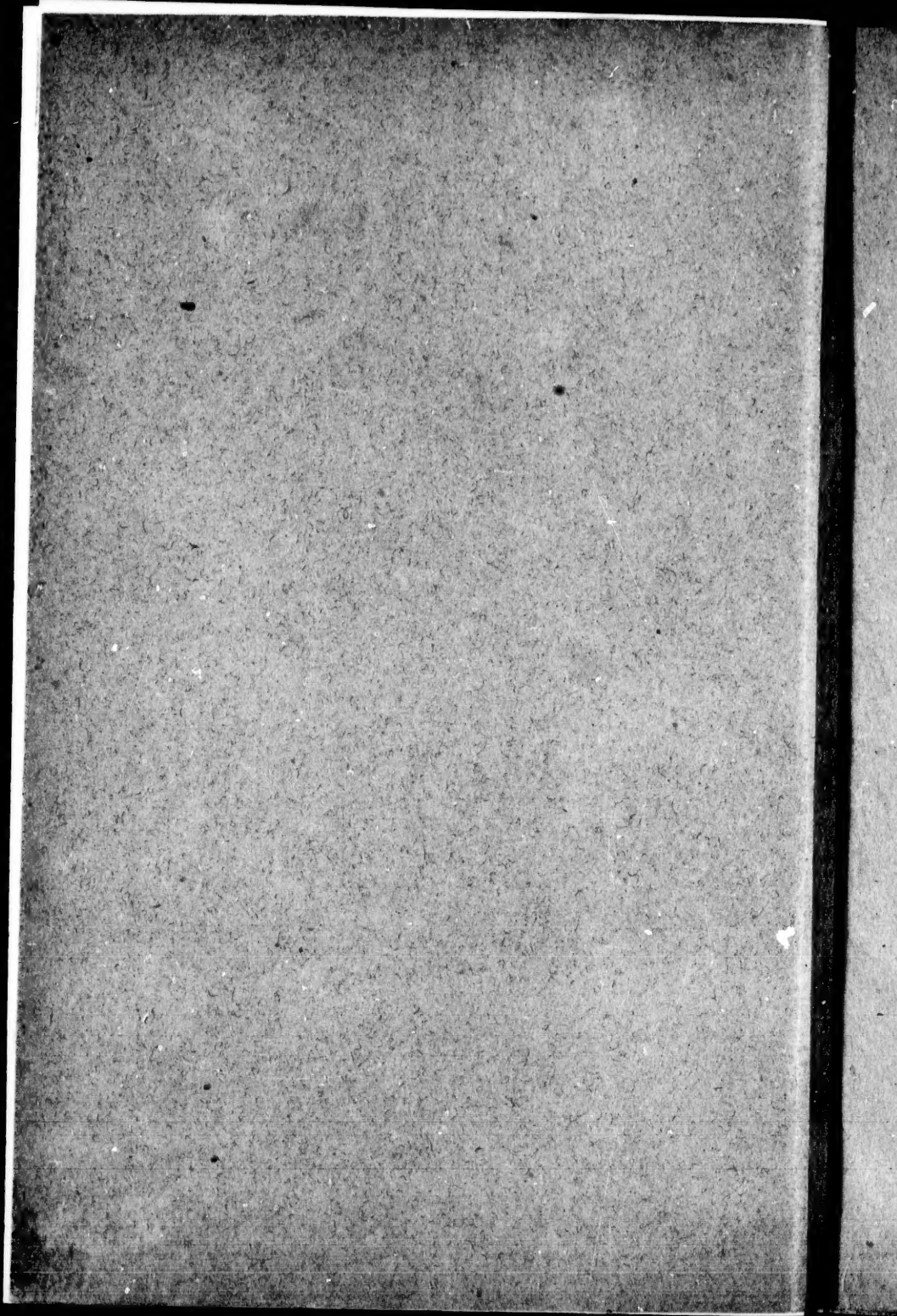
TO THE PAMPHLET OF
THE EQUAL RIGHTS ASSOCIATION
Against the majority of the inhabitants of the
Province of Quebec

THIS PAMPHLET CONTAINS :

- 1stly The correspondence exchanged between the Hon. Mr Mercier and the Revd Mr Caven, President of the Equal Rights Association ;
 - 2ndly Letter having as its title : " Disabilities of Protestants in the Province of Quebec," by Mr Sellar, editor of the *Huntingdon Gleaner* ;
 - 3rdly Answer to this letter, by the Hon. Mr Mercier, Prime Minister of the Province of Quebec.
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QUEBEC

1890



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QUEBEC

1886

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CORRESPONDENCE

OFFICE OF THE PREMIER,
Province of Quebec.

Quebec, February 28th, 1890.

Reverend Sir,

I have before me a copy of a pamphlet entitled :
"*Equal Rights Association for the Province of Ontario. Important letter by a resident of Quebec as to the disabilities of Protestants in that Province.*" This letter is dated 1st December, 1889 and signed : "A QUEBEC LOYALIST."

This pamphlet contains the following notice :

" EQUAL RIGHTS ASSOCIATION

FOR THE

PROVINCE OF ONTARIO

" Important letter of a resident of the Province of Quebec, on *The Disabilities of Protestants in that Province.*

" *EQUAL RIGHTS ASSOCIATION OF ONTARIO*

" 9 $\frac{1}{2}$ ADELAIDE STREET EAST.

" Toronto, 21st December, 1889.

" The accompanying letter, written by a well known English resident of the Province of Quebec, to a member of the committee is submitted by the Exe-

cutive Committee of the Association, for the earnest consideration of the people of the Dominion.

E. D. ARMOUR,

" Hon. Secretary.

" W. A. CAVEN,

" President."

As the assertions contained in this letter are false and unjust to the majority of this Province and as this pamphlet has been greatly circulated amongst the Protestant community, I think it is my duty to ask you if you would be kind enough to give me the name of the " QUEBEC LOYALIST ", who has written this letter.

I write to you officially and you will be kind enough to answer me so.

I have the honor to be

Yours truly,

HONORÉ MERCIER.

Premier.

Rev. W. CAVEN,

Chairman,

Equal Rights Association,

9½ Adelaide Street East,

Toronto. Ont.

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Secretary.

EQUAL RIGHTS ASSOCIATION OF ONTARIO.

Office: 9½ Adelaide Street East.

Toronto, Ont, March 7th 1890.

Honorable sir.

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I beg to acknowledge the receipt of a communication from you in which you ask for the name of a "QUEBEC LOYALIST", who has written a pamphlet on *The Disabilities of Protestants in the Province of Quebec*.

I have not the writer's permission to disclose his name, but I shall forward to him a copy of your letter and await his reply.

RCIER.

Permit me to say that the Equal Rights Association would much regret to endorse any statement which is not strictly correct, and if it be shown to them that "the assertions contained in this letter are false and unjust to the majority in Quebec," they will hasten to disclaim any responsibility implied in their relation to this pamphlet.

Premier.

I have the honor to be

Your obedient servant,

WM. CAVEN.

The Hon. HONORÉ MERCIER,
Premier of Quebec.

OFFICE OF THE PREMIER,
Province of Quebec,
Quebec, 10th March, 1890.

SIR,

Many thanks for your kind letter of the 7th instant concerning the letter of a "QUEBEC LOYALIST." I shall wait till I receive a further communication in connection with my demand before I answer the other part of your letter.

With due respect,

Your truly,

HONORÉ MERCIER.

Revd WM. CAVEN,
9½ Adelaide street East,
Toronto, Ont.

EQUAL RIGHTS ASSOCIATION OF ONTARIO,
Office, 9½ Adelaide East,
Toronto, Ont., 10th March, 1890.

Honorable Sir,

In replying to your communication of the 28th ult., respecting the authorship of a pamphlet entitled "*Disabilities of Protestants in the Province of Québec*," I stated that I should forward to the writer of said pamphlet a copy of your letter to me, and await his reply.

To-day I received from the gentleman referred to a telegram of which the following is a copy:—
"Send my name to Mercier and demand that he
"proves his statement about my letter."

The writer is Mr. Robert Sellar, editor of the *Huntingdon Gleaner*, Huntingdon, Que.

Having given his name, you will doubtless recognise at once Mr. Sellar's title to make the above demand."

I have the honor to be

Your obdt. servant,

WM. CAVEN.

The Hon. HONORÉ MERCIER,

Premier.

Province of Quebec.

EQUAL RIGHTS ASSOCIATION

FOR THE

PROVINCE OF ONTARIO

Important letter by a resident of Quebec as to
"The Disabilities of Protestants in that Province."

EQUAL RIGHTS ASSOCIATION OF ONTARIO.

84 ADELAIDE STREET EAST,
TORONTO, 21st December, 1889.

The accompanying letter, written by a well-known English resident of the Province of Quebec to a member of the Committee, is submitted by the Executive Committee of the Association for the earnest consideration of the people of the Dominion.

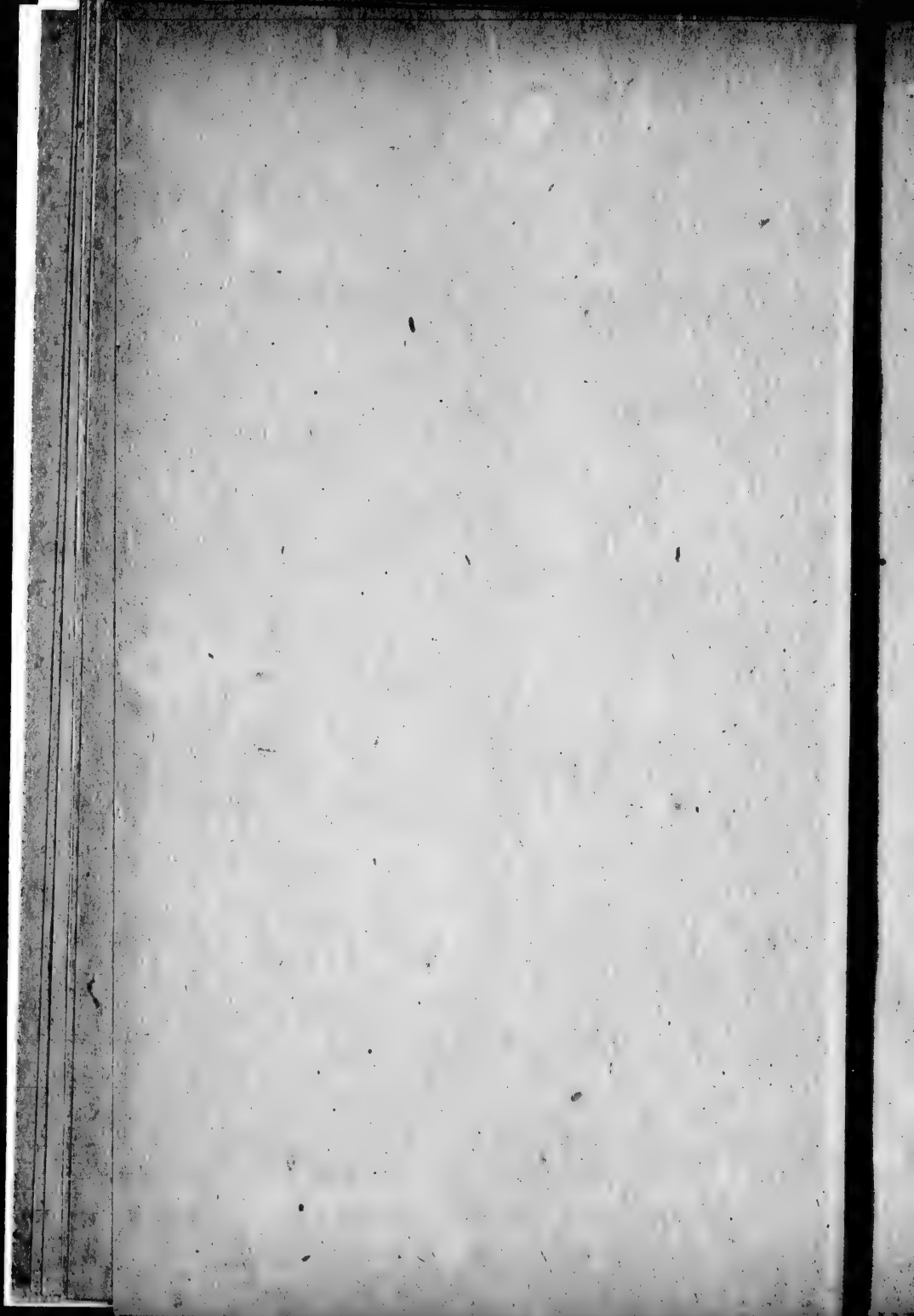
E. D. ARMOUR,
Hon. Secretary.

W. CAVEN,
President.

Published by
THE EQUAL RIGHTS ASSOCIATION,
94 Adelaide Street East,
Toronto.

Copies of this letter and other literature of the Association may be obtained on application to W. Banks, Secretary, at the above address.

TORONTO
MAIL JOB PRINT
1890.



THE
Disabilities of Protestants
IN THE
PROVINCE OF QUEBEC

THE PARISH SYSTEM

SIR,—I have your letter before me asking for a statement of the disabilities Protestants labor under in the Province of Quebec. I answer gladly, for I wish that every elector in the Dominion should know the state of matters here, being confident that if he did he would use his influence to have it changed.

The subject will be treated from the standpoint of the Protestant farmer, and it is his disabilities I shall describe, the position of the Protestants in the towns and cities being somewhat different. To grasp the grievances of the Protestant farmer you need to understand the character of the church of Rome as it is developed in the Province of Quebec, and also the parish system.

In the Province of Ontario that church is almost everywhere in a minority, and its policy is shaped to suit its surroundings, while the views

of its members and clergy are insensibly modified by the reflected light of the communities that surround them. Its clergy are far from rich and are dependent upon the voluntary contributions of their people, which, in itself is, a powerful modifying influence upon their character and aspirations. As a rule you know them as you know Protestant ministers, as men who devote themselves to the spiritual affairs of those with whom they are concerned. In Quebec it is entirely different. The Church of Rome is a compact organization, in which each priest and congregation have any distinctive features blotted out, and are simply cogs in a great machine which compels them to move in a fixed way. In one sense it is a Church, in another it is a government, having the province divided into sections and controlled by its deputies, yet a government irresponsible to crown or people, claiming an authority above and beyond that of the state. Her influence is felt in every sphere and walk of daily life, and she shadows every interest. Did you live here, you would see how absolutely she is mistress of the province, how everything is made subservient to her, and with what complacency she assumes that the people exist for her and not she for the people. I doubt if elsewhere you will find the Ultramontane idea as highly developed, the Church regnant, the people and government at her feet. Her wealth is commensurate with her power. She is the largest real estate owner on the continent, and her

lands are placed outside the jurisdiction of the laws governing real estate, for they are locked up under mortmain, and on her property she pays no tax. One would need to travel from city to city and town to town for a month, before one would have an adequate conception of the wealth of this Church. Her servants are in proportion. Counting ministers of all denominations, I do not suppose you would find in Ontario many over 8,000. Quebec has a third less population, yet nearly 8,000 men and women have taken the perpetual vow of obedience to the Church of Rome. Add to these the lay servants and dependents, and there must be twenty thousand whose daily bread comes from this gigantic organization. Now, its wealth and overmastering influence are largely due to

THE PARISH SYSTEM.

When the King of France took possession of Canada, he did not give or sell its lands to those who wished to cultivate them; he would have no dealings with the man who wished to clear the land and plow it. He wanted to give to Canada a nobility, and with that object in view divided up the country that faces the St. Lawrence into large blocks, each one containing several square miles, and presented them to his favorites. These grants of land were called *seigniories*, and the gentlemen to whom they were given *seigniors*.

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or lords, and they encouraged settlers to go upon their estates, not selling them lots, but giving them perpetual possession on paying a small fixed rent and certain other dues. These *seigniories* were divided into parishes, and over each parish a priest was placed. Had the system stopped here all would have been well. Unfortunately the French king, instead of leaving the support of the priests to the voluntary contributions of their flocks, ordained that the twenty-sixth bushel of all grain raised be given to them, and that a tax be levied on all farm lands for the building and upholding of church and parsonage. The seigniorial system was broken up over thirty years ago, and now only a few fragments remain; the parish system is untouched, and in a more highly developed and efficient state than in the days when a Louis was king of Canada. • Let me sketch it to you as it exists to-day.

The priest is the convener and chairman of all parish meetings and without his sanction nothing can be done by the people. Does he consider a new church to be necessary? He obtains the consent of a majority of his people and that of his bishop, and forthwith a tax is imposed upon all the farm lands in proportion to their value, the ordinary municipal assessment roll being generally used, payable in equal instalments spread over not less than three or more than eight years. Of late the priests have vied with one another in zeal for building churches, and nume-

rous substantial and sightly buildings have been abandoned and replaced by splendid structures, often beyond the needs of the parish. There have been hundreds of churches built or re-modelled within the past twenty years that have cost from twenty to thirty thousand dollars; not a few of them from thirty to seventy-five thousand. There are parishes where the church has cost as much money as the dwellings of the farmers who worship within its walls would sell for. This building tax is so heavy, that I do not suppose one is levied that is not the cause of some of the habitants losing their farms. To pay the tax they have to borrow and the mortgage eats up their places and they drift to the cities or the United States. Where very costly churches are raised, such pitiful cases are numerous. Generally the priest's house is in keeping with the church, and is built and maintained by a like tax levied on the lands of the parish. His living is also derived in part directly from the land. Out of every twenty-six bushels of grain (peas are included) the farmer raises, he must give one to the priest, delivering it, clean, merchantable grain, at the parsonage before Easter in each year. It is one of the fictions entertained by many outside Quebec, who form their estimate of the character of the habitant from reading "Evangeline," that this tribute is paid gladly. If there is a man in the Dominion who has an adequate sense of the value of a dollar, it is the habitant. The tithe is paid

with a grudge, and were it not for the information obtained from neighbors and the threshing-mill men, the priest would come short. I know of one parish where such inferior grain was drawn, that the priest referred to it in his sermon, and asked his hearers, as they passed out, to examine at the door a specimen of the oats a certain farmer had delivered. At the rebellion of 1837 the habitants were stimulated to take part in it, because one of the reforms promised was the abolition of tithes. A misconception to be avoided is, that the tithes represent all that the habitant contributes to the support of his clergyman. In truth, the payment of the tithe and building tax entitles him to very little—to standing room in the church he helped to build and to a grave in the cemetery. As one poor man expressed it, he had to stand during grand mass "like a brute beast." To secure a pew, he has to pay a yearly rental, and for all the rites and services of church and priest he has to pay. The tithe is, in fact, an addition to the ordinary revenue of the clergy, a supplement he now enjoys nowhere else outside of Quebec.

Were the payment of tithes and building tax the result of a mutual agreement among the members of the Church of Rome in Quebec, were they in any sense voluntary contributions, the people of the Dominion would have no right to interfere with them, but when you learn that they are levied and collected by virtue of statutes passed by the Legislature, and voted for by many

Upper Canada members, you will perceive that yourself and every other elector are parties to them and accountable for their maintenance. There is not a circuit court in the province whose power has not been called upon by the Church of Rome to compel payment of these assessments. I was once present in a court, of which the judge and all the officials were Protestants, when a number of Irish Catholic farmers were sued by the priest for tithes, and when judgment was rendered in his favor, I thought an outrage had been perpetrated, and that instead of the British coat of arms looking down on those assembled, the insignia of the Vatican would have been more appropriate. Bear this well in mind, that the habitants pay the taxes in question to their church,

BECAUSE THE WHIP OF BRITISH LAW
COMPELS THEM.

We have no business to interfere with the Church of Rome in what demands it may make of its followers, or what assessments it may levy upon them, but as British subjects we have a right to say whether or not the courts of the Empire are to assist in maintaining those demands and in becoming collectors of those assessments. It is this backing given by the State to which the peculiar development of that Church in Quebec is due. Having the State as its servant in

coercing its people, it assumes the attributes of supremacy, while its sources of income being largely independent of the will of those to whom it ministers, it disregards their wishes and rules autocratically. To sum up in one sentence, it is the union of Church and State in Quebec that menaces the peace of the Dominion.

HOW THE PARISH SYSTEM AFFECTS PROTESTANTS.

No land owned by a Protestant is liable to parish assessments, they are collected solely from Roman Catholics, who may be so only in name and who may not attend church, all the same they must pay tithes, and any building tax that may be levied. Their sole way of escape is to notify the priest that they have left the Church of Rome, and no habitant need do that unless prepared to leave the province. I have seen this provision of the law, that Protestants are exempt, quoted by Ontario newspapers as conclusive proof that they have no cause to complain of the parish system. Were those who express such an opinion to come to Quebec and make personal investigation, they would perceive their error. Let me give you an illustration from actual life.

Fifty years ago a number of emigrants from the British Isles formed a settlement in the wild lands of this province. They prospered and increased for twenty years, when the Roman Catholic

bishop issued his decree including their settlement in a canonical parish he had erected. The Roman Catholics were mainly laborers employed by the Protestants, several of whom contributed towards erecting a temporary church, which was followed by a convent-school, established by one of the great Montreal nunneries, partly to attract a Catholic population, and partly to catch a few Protestant girls as pupils. When from death or other vicissitude a farm owned by Protestants was offered for sale, the priest had a purchaser, who, if he had not sufficient money, got a loan from the city ecclesiastical corporations at a low rate of interest. A French store-keeper was brought in, a French doctor and finally a notary. Then the colonization societies lent their aid, and the funds of these societies are supplemented by the government. The work went on slowly, but it went on steadily. If I were asked to name the most remarkable feature in the Church of Rome, I would answer, its deliberate movements, its unalterable purpose combined with patience. Nothing is done openly, nothing rashly, nothing violently. The tide is creeping upward and remorselessly swallowing everything in its way, but on the placid face of the waters there is not an eddy nor a ripple to indicate the resistless power that is impelling them. Farm by farm dropped into Catholic hands, and the area of lands liable to tax and tithe went on extending. In course of time the Protestants became so few that they found it

difficult to maintain schools, and were it not for aid from outside, they could not have retained a minister. Their farms were fertile, and, materially, they were doing better than they could elsewhere, so that so far as dollars and cents are concerned they had no cause to move, yet when they considered that their children were growing up imperfectly educated, and that their neighbors were of different speech and creed, they were impelled to make a sacrifice and leave. Their farms were bought, and what was twenty-five years before an English-speaking settlement has become a French one, and from land that did not yield dollar to the Church of Rome, she now levies contributions that yield thousands.

This is the history of scores of outlying settlements of Protestants in this province, and that they were extinguished by set purpose is not concealed. Says a Quebec paper the other day: "We have not in vain absorbed many of the English and Scotch settlements planted among us to 'break up our homogeneity.'" So long as it is law that the land of the Province of Quebec shall yield tribute to the Church of Rome when owned by its adherents, that Church will work unceasingly to dispossess Protestants, for every acre it wins enhances alike its income and its prestige.

You may here ask, whether Protestants who took up land in Quebec did not do so with their eyes open, and knowing that it was subject to the parish system, have they a right to now complain?

No such plea can be urged. When the townships were settled they were not only free from the parish system, but there was an Imperial guarantee that they should never be subject to it.

THE EXTENSION OF THE PARISH SYSTEM TO THE
TOWNSHIPS IS A VIOLATION OF A PLEDGE
AND A USURPATION.

I will set the facts before you and you will judge for yourself. When Canada passed into the hands of the British, Quebec bore no resemblance to the Quebec of to-day. It consisted of thinly-peopled settlements, which occupied narrow strips bordering the St. Lawrence. A few miles back of the great river rose the bush, and the primeval wilderness extended on the north shore to the Arctic Circle, and on the south to the United States. Bear this in mind, that when General Murray set about constituting Quebec a British colony, it had only seventy thousand inhabitants, who lived in the narrow ribbon of clearances that edged the St. Lawrence; that was all they occupied and that was all they claimed. The British commander was asked to leave the parish system to this handful of people; he refused, English law was established among them, and for thirteen years no habitant was compelled to pay either tithe or tax. That state of affairs would have continued until our own day had it not been for the breaking out of the American Revolution.

The Imperial authorities were afraid the French people might join in it, and to avert that danger they bribed their priests by giving them back the power to levy their dues. This was done in 1774 by the Quebec Act, which, however, confined the privilege strictly to the *seigniories*, or, more correctly speaking, to the eighty-two parishes then in existence, coupling, however, the gift with the proviso that the priests were to become subject to the conditions of the sovereign's supremacy as laid down in the Act of 1 Elizabeth. As if foreseeing what has actually happened, that the priests would apply the privilege so granted to the entire province, this clause was added :

" Provided always that nothing in this Act
 " contained shall extend, or be construed to extend,
 " to any lands that have been granted by His
 " Majesty, or shall hereafter be granted by His
 " Majesty, his heirs and successors, to be holden
 " in free and common socage."

Surely this is plain enough. The parish system was restored to the *seignior*y or fief land ; all land granted by the crown in free and common socage was to be clear of it. The Imperial Parliament and George III. restored French law and usages to the thin chain of French settlements, and to them only ; all the rest of the province was to continue as before, under English law. Every French Catholic writer and every French Catholic speaker on this subject invariably ignores the clause I have quoted, and speaks of the Quebec

Act as restoring French law and custom to the entire province and dare anybody to interfere with the Imperial concession. Nothing could be more dishonest. The Quebec Act merely restored French law and usage to the *seigniories*, not a twentieth part of the province as now constituted, and to them only does it apply. All outside of that restricted strip of land was to be settled and governed like Ontario, Nova Scotia, or New Brunswick, namely, under English law. This was perfectly understood and acted upon by successive Governors. The crown lands of Quebec were surveyed and divided, not into *seigniories* and parishes, but into counties and townships. In these townships English law prevailed, French law had no standing, and the priests had no more authority to tithe and tax in them than they have in Ontario. The result was that these townships became settled by English-speaking people, who would not have felled a tree in them had they known they would ever have been brought under the parish system. The pledge that English law would always rule where the land was granted in free and common socage was renewed in 1826, when the Imperial Parliament, in the Canada Tenure Act, declared that the law of England was the rule by which real property in the townships was to be regulated and administered. The two settlements thus grew side by side: one English-speaking, with English law and usages, prosperous and expansive; the other French, with French

law and customs, poor and stagnant. The rapid growth of what may be termed English Quebec excited the fears and jealousy of the Anglophobes preceding the rebellion and they endeavored to check it by adverse legislation. But despite all obstacles, English Quebec grew in wealth and population, progressing at such a rate that, at the date of the union with Upper Canada, it threatened in time to outstrip French Quebec. In those days the *seigniories* were overpopulated: if the season was unfavorable there was distress, and applications to the Legislature for public aid were frequent. Papineau urged his countrymen to go into the townships and take up land; few did so, and the reason given to the repeated parliamentary committees on the subject was, that the priests were adverse to their leaving the *seigniories*, because the parish system was not in force in the townships. The rebellion was designed to destroy the townships: they survived it to fall before an instrument that was being silently forged by the hierarchy. The union of Upper and Lower Canada took place, and among the first acts of the new Legislature was one providing for the erection of canonical parishes. As it stood alone it was of slight consequence, but, at long intervals, its provisions were amended and extended by subsequent Acts, all of which disregarded the restriction of the Quebec Act and applied their provisions to the entire province. This was done so gradually and unobtrusively that these little bills

were introduced and passed without attracting notice. Not one of them said, "the parish system is hereby extended to the townships." That would have excited alarm and ensured their doom. They simply professed to be amendments of previous Acts, their sting lying in the unthought of preambles, which made the provisions of these previous Acts applicable to the entire province of Lower Canada. When the last and worst of these little bills was before the Legislature, Cartier explained that it only affected Catholics and was designed to legalize certain arrangements between the bishops and their people. The power thus obtained to extend the parish system into the townships was cautiously used and the approaches were exceedingly slow. Here and there a parish was formed, where the Catholics were most numerous, and the objection of the priesthood being removed to their people taking up land in the townships, they were now as eager in urging them to go as they were before in restraining them, and, when Confederation came, the Legislature seconded their efforts by grants to colonization societies and departmental favors. At the present hour the townships are overspread by a network of parishes, and in each of them the priests collect tithes and church taxes are levied off land which the Imperial Government guaranteed should be forever free from such imposts. Indeed, it is not necessary to quote statutes in support of the claim of the townships

to freedom from the parish system, for the deed granted by the sovereign to each settler bears proof of the fact. Up to Confederation the patents issued by the Crown Lands Department for lands granted under them contained these words :

" To have and hold in like manner as lands
" are holden in free and common soccage in that
" part of Great Britain called England."

Queen Victoria thus issued her letters patent for a lot of land, declaring that the yeomen to whom she granted it shall hold it free from all lien, and the same as if it were situated in England. And in full faith of that assurance, the settler went on and spent the vigor of his manhood in clearing that lot. In his old age a priest comes and says, " Your land was granted to you
" by the Queen, subject to a servitude held by my
" Church, a perpetual claim, a mortgage that cannot be wiped out, as its payment is conditional
" upon the creed of the occupant. You being a
" Protestant, I will do what I can to get you off it
" and a Catholic put in your place, so that Holy
" Church may enter into the full enjoyment of her
" patrimony."

Such, sir, is the manner in which the parish system has been extended to the townships, and need I add, that its introduction has caused their decadence. Numerous settlements have been wiped out and everywhere the French increase, so that the English who could control twenty constituencies twenty-five years ago are outnumbered

in all but four. It is for the electors of the Dominion to answer the question,

SHALL THE REMNANT BE WIPE OUT?

If the existing law is continued, a law offering a substantial inducement to each priest to drive the Protestant farmers out, it is as certain as that the St. Lawrence rolls to the sea, that before the coming century is far advanced few will be left. Is the union of Church and State to be continued in the Province of Quebec? Is the priesthood to continue to have behind it British courts to enforce the collection of tithe and tax? Is the Church of Rome to sit in this province enthroned as a queen, panoplied with exclusive privileges, and with her foot on the neck of its Legislature? If so, then over one hundred thousand loyal British subjects will leave the lands they and their fathers redeemed from the bush and follow their brethren who have gone before them. As it is in *your* power, and in the power of every elector of the Dominion to continue or abolish this system, so upon *you* and them, jointly with the priests, will rest the accountability for one of the greatest outrages ever wrought on English speaking people, for outrage and crime it surely is, to maintain a law that offers a bonus to the clergy of the Church of Rome to dispossess men and women of their homes on account of their creed and nationality.

There are other disabilities under which the

non-Catholic people of Quebec labor, and these I may give in another letter. The parish system is so pre-eminent among the grievances of which we complain, that I think it better not to place it on the same parallel with the others.

A QUEBEC LOYALIST.

December 1, 1889.



ANSWER

OF THE

HONORABLE HONORÉ MERCIER

TO THE PAMPHLET PUBLISHED BY

THE EQUAL RIGHTS ASSOCIATION

Against the majority of the inhabitants of the
Province of Quebec

Sir,

I have the honor to acknowledge the receipt of your letter of the tenth of March instant, informing me that the author of the pamphlet signed: A QUEBEC LOYALIST is Mr Robert Sellar, editor of the newspaper called "*The Huntingdon Gleaner*." Owing to press of business and the importance of parliamentary work, I have been compelled to delay my answer.

Allow me to confess in all frankness that it does not surprise me to hear that Mr Sellar is this so-called QUEBEC LOYALIST: this gentleman is a rabid fanatic, who never misses an opportunity to show his hatred against everything which is French and Catholic, without the slightest respect, which every honest and impartial man

owes to the truth. The small sheet which he publishes is not sufficient for his insatiable desire to represent under false colors everything that is dear to the majority of the population of the Province in which he lives, and he has hastened to send you his letter, delighted to avail himself of the influence and means of publication of your association in order to spread more widely falsehood and calumny concerning my fellow-countrymen, their clergy and their religious institutions.

If the editor of the *Gleaner* alone were in question, I would not take the trouble to notice him, for the very good reason that in our Province he is too well known to be able to injure any one, and that here his elucubrations are too well appreciated at their true value by respectable Protestants and by Catholics to deserve the honor of refutation. But as the Equal Rights Association, of which you are the president, has assumed the responsibility of the writing which is the object of this correspondence, that fact gives to it an importance which imposes upon me the duty of refuting it and of showing to the impartial public that the letter in question is nothing but a tissue of errors as to facts, history and appreciation. If, after this refutation has been placed before your association, it does not repudiate the letter of Mr. Sellar and persists in spreading it abroad, honorable people will be able to judge of the ways and means employed by you to rouse the Protestant population of the other provinces against the

eleven hundred thousand Catholics who inhabit the Province of Quebec and who desire nothing more than to live at peace with their fellow-citizens of other races and creeds. If the Executive Committee of the Equal Rights Association be animated by anything like sentiments of justice and respect for truth, it should consider it a duty to publish the refutation which I now make, in order to repair the injustice it has committed in publishing the pamphlet which has called forth this refutation.

You say in your letter of the seventh of March "that the Equal Rights Association would much regret to endorse any statement which is not strictly correct, and should it be shown to them that the assertions contained in this letter are false and injurious to the majority in Quebec, they will hasten to disclaim any responsibility implied in their relation to this pamphlet."

I accept this declaration, or rather this engagement, and I forward you with this letter a demonstration which will put you under the obligation of fulfilling it.

I have the honor to be

Your humble servant,
(Signed) HONORÉ MERCIER.
PREMIER-MINISTRE.

To the Revd. WM. CAVEN,
President of the
Equal Rights Association,
Toronto, Ont.

ANSWER OF THE HON. MR. MERCIER
to the pamphlet of the *Equal Rights Association* against
the majority of the inhabitants of the
Province of Quebec.

It would require a large volume to refute in succession the errors and misrepresentations forming Mr Sellar's pamphlet. The public could not have the patience to read a work of such a nature and I have not the leisure to undertake such a work. Leaving aside all useless and idle details, I take the substance of the pamphlet; this can be summarized in the following points:

Firstly. The so-called domination and wealth of the Catholic Church in the Province of Quebec;

Secondly. The parish system and its so-called injustice to Protestants;

Thirdly. Tithes—that English courts are degraded by being called upon to enforce their collection;

Fourthly. That the introduction of the parish system in parts of the Province situated outside of the seigniories is a violation of a formal engagement and a usurpation.

As it happens with all men who give up to fanaticism the control of their conscience and reason, the editor of the *Gleaner* is not distinguished by order or method; his pamphlet is only a confused mass, without any regular order in its ideas; but by analysing it a little, the reader will find that it is only a repetition of the four propositions above enumerated. I will follow this order in the refutation that I am going to make.

I.

THE SO-CALLED DOMINATION AND WEALTH OF THE
CATHOLIC CHURCH IN THE PROVINCE
OF QUEBEC.

Speaking of the Catholic Church as it exists in the Province of Quebec, the author of the pamphlet says :

" In one sense it is a church, in another it is a government, having the Province divided into sections and controlled by its deputies, yet a government irresponsible to crown or people, claiming an authority above and beyond that of the State."

Taken in the general sense given by the author, the assertion is false. With respect to worship, Catholics are divided into groups known under the name of *parishes* as Protestants are known under the name of *congregations* ; but these divisions have only a religious character, and are not controlled by deputies, as falsely asserted by the editor of the *Gleaner*.

What harm can there be, would I ask, in thus grouping Catholics for purposes of worship ? Does not this grouping likewise exist among Protestants, in our Province as well as in all the other parts of the Dominion ? Is there any reasonable man who can seriously see harm in it ? It is only the delirious fanaticism of Mr. Sellar which

objects of a state of things so natural, so necessary to public order.

Now to say that this "government is impossible to crown or people, claiming an authority above and beyond that of the State," is to state a thing true in itself, but false in the sense that Mr. Sellar gives to his assertion, which is general and without restriction. Catholic doctrine teaches, that in purely spiritual matters, religious authority is of an order superior to that of the civil authority, but that in temporal matters civil authority or the authority of the State transcends all others. That is to say, that according to Catholic doctrine, the preponderance of authority is derived from the preponderance of the end at which such authority aims; and as spiritual ends are superior to temporal ends, the authority which provides for the former is, in its nature and in the strict limits of its ends, of an order superior to that which provides for temporal ends.

You are a minister of the Gospel, Mr. Caven, and you thoroughly understand protestant theology. I would now ask you: Is not Catholic doctrine, such as I have just exposed it, the doctrine of all christian religions? Is it not simply the application of these words of the Gospel: 'Render unto God that which belongs to God and to Cesar that which belongs to Cesar?'

In order that there be no misunderstanding about this part of Catholic doctrine, I will cite a

few extracts from the work of Mgr. Cavagnis, published at Rome in 1887, with the approbation of the highest Catholic authorities. These are the citations :

" It is said : If the Church were sovereign, " there would be a State within a State ; in other " words, in the same territory, there would be " two sovereignties and the same men would form " two perfect and independent societies. But this " cannot be, as the co-existence of two sovereigns, " having jurisdiction on the same territory and " over the same persons, is repugnant. The power " of the one would necessarily limit that of the " other, and neither would be sovereign in the " full meaning of the term.....Sovereignty therefore repels not only all superior jurisdiction but " also all equal jurisdiction.

" To this objection an answer is easily made " by distinguishing how two sovereignties may " be in opposition in the same territory and over " the same persons. When two sovereignties are " of the same kind, have the same immediate end, " the same object and the same subject-matter " on which they exercise their power, then we " meet with the inconveniences above mentioned ; " one imposes limits upon the other ; neither one " nor the other is truly sovereign, and the same " subjects would have to serve equally two " masters.

" But it is not thus, when it is a question of " two sovereignties, whose order, object, end and

" subject-matter are distinct and different. In
 " that case, the one imposes no limits upon the
 " other in the sphere which belongs to it. In
 " consequence there is not in the State another
 " State of the same kind, but another State of a
 " different kind. In this there can be nothing
 " repugnant, for the reason that all created things
 " are limited to one order and one kind. The
 " sovereignty of the State is limited to the tem-
 " poral order, that of the Church to the spiritual
 " order. To God alone belongs absolute and uni-
 " versal sovereignty.....

" If the Church has many rights over the
 " State, because it is a society of a sovereign order,
 " it has no less duties to perform towards the
 " State. And above all there is the duty as a mat-
 " ter of justice not to encroach upon the province
 " of the State. *All that which is purely temporal*
 " *belongs to the State* The Church therefore cannot
 " under any proper claim meddle with matters
 " purely temporal. It should render unto Cæsar
 " that which belongs to Cæsar, and to God that
 " which belongs to God.

" In questions which in nowise concern reli-
 " gion and which are simply economical; political,
 " civil or military, Catholics form neither a body
 " nor a party, but each can follow the party which
 " appears the best to him." (1)

These are the principles which govern the
 Catholic clergy, in this Province as well as in

(1) *Notions de Droit Public, Naturel et Ecclésiastique, par Mgr Caragnis, p. 338 et seq.*

other parts of the world. Where can there be found in all this "the authority superior to that of the State" mentioned by Mr. Sellar? This so-called domination of the Catholic clergy exists only in the too vivid imagination of the *Gleaner* writer. I defy him to bring forward facts or writings to establish it.

No; outside of purely religious matters, the Catholic Church does not claim an authority superior to that of the State; on the contrary, one of the fundamental principles of its doctrine is its submission to civil authority. It is surprising that Mr. Sellar, who lives among Catholics and pretends to know them, should not yet know this. If he would only give himself the trouble to go over the debates on the Catholic Emancipation Bill, he would find that, nearly a hundred years ago, a distinguished Protestant bishop, Dr. Horsley, (*English Parliamentary History*, Vol. 29, page 670) declared in the House of Lords that "the Roman Catholics better understand than the thing seems to be understood by many of these who call themselves our Protestants brethren, in what plain characters the injunction of the unreserved submission of the individual to the government under which he is born is written in the divine law of the Gospel."

I need not add that in asserting that the

Catholic Church "assumes that the people exists for her and not she for the people," Mr. Sellar is guilty of an untruth which does not deserve the honor of being refuted. I defy him to corroborate this altogether gratuitous assertion by facts or writings.

Mr. Sellar asserts that the Catholic Church of the Province of Quebec "is the greatest real estate owner on the continent." This is simply a falsehood which must be apparent to the most limited vision. As a Church the Church of Rome does not own one inch of land in the Province of Quebec. I defy Mr. Sellar to prove the contrary.

According to our law, real estate destined for Catholic worship does not belong to the Church but to the parishioners, and the extent of real estate destined for that object is very limited. On the first point, the following is what is stated by Judge Beaudry:

"Parishioners are obliged to contribute to the purchase of land required for the buildings *They are its proprietors.*" (1)

As to the extent of the land, it is fixed in the following manner by article 3450 of our Revised Statutes:

"The quantity of land so acquired for the purposes aforesaid, within the walls of the cities of Quebec and Montreal, respectively, shall not, in the whole, exceed one arpentand outside of the walls, but within the limits of the said

(1) *Code des curés, marguilliers et paroissiens*, page 68.

“cities, shall not exceed eight arpents in superficies; and the quantity of land so held in any other place for the use of each parish, mission, congregation or religious society, shall not exceed two hundred English acres.”

There are not one thousand Catholic parishes or missions in the Province of Quebec, and I assert without fear that the extent of the land possessed by such parishes and missions does not exceed in the whole 20,000 acres.

Is the Equal Rights Association prepared to assert with its fellow-laborer Sellar, that there are not to be found in all America proprietors owing a greater extent of land or a greater real estate owner?

Without going to foreign countries, compare these 20,000 acres with the extent of the monopolies which the Ottawa Government has established in the North-West? Without speaking of the colonization societies, is it not known that the grants made to the Bell Farm Company exceed 50,000 acres?

“Her lands, continues Mr. Sellar, are placed outside the jurisdiction of the laws governing real estate, for they are locked up under mortmain, and on her property she pays no taxes.”

Wrong; ecclesiastical property is not placed outside the jurisdiction of the laws governing real estate; when a congregation purchases or sells a property the title deeds are subject to the formality of registration, in the same way as all other

real estate transactions, as prescribed by articles 3443, 3444 and 3450 of our Revised Statutes, which only reproduce the old law. The real estate conceded or sold to Church Trustees or *marguilliers* only acquires the character of mortmain by the registration of the deed of acquisition.

What is there extraordinary or wrong in this law? The intent is merely to place outside of the sphere of trade real estate acquired for religious worship, and to prevent its expropriation without the consent or against the wish of the inhabitants or of the members of the congregation.

At any rate, if this system be wrong and worthy of condemnation, the Protestants of the Province of Quebec are quite as blamable as the Catholics, as the law of which Mr. Sellar complains applies indistinctly to all religious congregations, Protestant as well as Catholic. Before casting stones at us, let Mr. Sellar and his friends give the example, by asking the Legislature to abolish mortmain in the case of properties belonging to Protestant congregations. I challenge him to have such legislation accepted by the majority of the Protestants of the Province of Quebec.

With what grace therefore does he dare to place among the so-called disabilities of the Protestants of Quebec legislation by which they benefit as well as Catholics and to which they hold as well as Catholics? Is it in this way that an honorable man would act, who is animated by the noble sentiments which justice and equity should inspire?

I can say the same thing about exemption from taxation, which Mr. Sellar also gives as one of his disabilities. In our Province, all property destined for religious worship is, by article 712 of our Municipal Code, exempt from municipal and school taxation. Protestants as well as Catholics profit by this exemption, and I think that they hold to it as much as do the Catholics.

Then, how can the *Gleaner* man find in this a disability for the Protestants? One may be fanatical, but no sensible man has a right thus jauntily to make a mockery of the elementary rules of logic and of the plainest common sense.

WEALTH OF THE CATHOLIC CHURCH.

But where this brave Mr. Sellar completely loses his head is when he speaks of the so-called wealth of the Catholic Church.

"Counting ministers of all denominations", says he, "I do not suppose you would find in Ontario many over 3,000. Quebec has a third less population, yet nearly 8,000 men and women have taken the perpetual vow of obedience to the Church of Rome. Add to these the lay servants and dependants and there must be twenty thousand whose daily bread comes from this gigantic organization."

Like the monkey in Lafontaine's fable, who took the Piræus for a man, the learned editor of the *Gleaner* takes, as members of the Catholic clergy, all members of religious communities, whether brotherhoods or sisterhoods, and with

this he forms the big figure of 8,000. Would you wish to know why he so cheerfully inscribes them among the clergy? Purely because they have made a vow of perpetual obedience to the Church of Rome!

In that case the learned Mr. Sellar is far from the truth: if to be a member of the Catholic clergy, it is sufficient to have made a vow of perpetual obedience to the Church of Rome, there are in the Province of Quebec 1,170,718 ministers of Catholic worship, for the reason that 1,170,718 Catholics who inhabit it are obliged, in religious matters, to absolute obedience to the Church of Rome. There are likewise 320,839 ministers of Catholic worship in Ontario, for I see by the census of 1881 that there is that number of Catholics in the Province of Ontario, and like those of Quebec, they are held to perpetual obedience to the Church of Rome, of course in religious matters only.

These are the consequences of the premises laid down by Mr. Sellar, whom the Equal Rights Association has chosen to inform it about Catholic affairs in the Province of Quebec.

NUMBER OF MINISTERS OF RELIGION.

Happily, the census of 1881, an authority almost as worthy of belief as the editor of the *Gleaner*, gives totally different figures. According to that authority there were at that time in the

Province of Quebec, 2,102 clergymen, 3,783 nuns and 401 brothers of the christian schools, in all 6,286. But the figures given for clergymen comprise Protestant Ministers; they must be numerous as there are in our Province almost as many Protestant as Catholic churches. The census of 1881 gives for all the Province 1280 churches, of which 712 are Catholic and 568 Protestant. The latter must be attended by 400 or 500 ministers, which would leave 1600 or 1700 Catholic priests.

CATHOLIC ALMANAC.

But there is an easier and more certain method of establishing the number of Catholic priests in the Province of Quebec. If the worthy writer of the *Gleaner* had only given himself the trouble of reading the calendars or almanacs for 1890, he would have seen that the Catholic clergy of the Province of Quebec, regular and secular, is composed of 1260 priests, one cardinal, seven archbishops and bishops, one prefect apostolic. The calendars give the name, surname and residence of all those priests, so that there can be no doubt or mistake about their number in the mind of an honorable writer.

These priests, however, are not all engaged in parish work. The documents which I have just mentioned, show with the clearest evidence, even to the wilfully blind, that of these 1260 priests at least 250 are employed at teaching in our classical and commercial colleges and in our nor-

mal schools; about one hundred more are engaged as chaplains in our charitable institutions or as professors in our theological seminaries, leaving only about nine hundred in parish work. If you divide the number of Catholics by the number of priest, ministering to parish wants, you will find that the average of each congregation under the care of a Catholic priest is about thirteen hundred souls.

You are a minister of the Gospel, Mr. Caven; you know the duties imposed by the spiritual care of a congregation; you know that in this respect the task of a Catholic priest is two or three times greater than that of a Protestant minister; in presence of the figures which I have now given, will you not admit, that far from being excessive, as Mr. Sellar pretends, the number of Catholic priests in the Province of Quebec is comparatively slight. Make the same calculations about the Protestant clergy, and you will be surprised at the results at which you will arrive!

REVENUE OF THE CATHOLIC PRIESTS.

And what are the revenues and resources of this clergy which Mr. Sellar represents as so rich? The tithe alone and a very small amount of perquisites commonly called "le casuel." What does the tithe represent? It is quite easy to calculate it by taking the *data* furnished by the census of 1881, which can be seen by everybody. At the rate of the twenty-sixth bushel, it forms about the following quantities: 58,889 bushels of wheat,

58,866 of barley, 601,310 of oats, 142,208 of peas, 55,494 of buckwheat and 12,571 of rye. Estimating them at current rates, they would represent above \$500,000 in money. But our priests are not exacting, notwithstanding what Mr. Sellar may say, and I can assert without fear of contradiction that on the average they remit or neglect to collect at least 20 per cent of their tithes, which would leave a real revenue of not more than \$400,000, to be divided among nine hundred priests doing parish work, or an average of \$450.00 each. Adding another hundred dollars for the *casuel*, which is certainly the highest amount ever received under that head, we have a total of \$550.00.

Would you pretend that this is too much, Mr. Caven? that Protestant ministers do not receive as much, even more?

And that is in truth the so-called wealth of our Catholic clergy!

As you can perceive, our clergy does not cost the people so much.

GENEROSITY OF CATHOLIC PRIESTS.

Let us not omit to add that our clergy returns to the people a great part of this slender revenue. It is thanks to the generosity of the clergy that are founded and maintained the numerous institutions of charity—asylums, refuges and hospitals, and institutions of public instruction—which are seen all over our Province. You would be astonished, you Protestants, at the number of young men belonging to poor families, whose educa-

tion, classical and commercial, is paid for in whole or in part by our good country priests; you would be equally astonished at the number of legacies bequeathed by those good *curés* to our colleges, on condition that interest thereof be employed to meet the cost of the education of poor children.

All this, it must be admitted, is in the interest of the people, and for its benefit, and gives back to it in another form what it has paid out as tithe or *casuel*; and, as I stated on a recent occasion, our Canadian clergy returns to the people, in one way or another, for purposes of education or charity, blessed and sanctified by the Church, the tithe which it collects from the people.

There is not a country in the world where classical and university education costs so little as it does to the Catholics of our Province, where it is so fully within the reach of all, even of the poorest; there is not one serious and sensible man who, knowing in the slightest our system of education, would refuse to admit that it is solely to our clergy that we owe these inestimable advantages.

RELIGIOUS COMMUNITIES.

With a sense of honesty more than doubtful, the editor of the *Gleaner* includes among the Catholic clergy, all the members of our religious orders, not omitting members of brotherhoods and sisterhoods. This is a deception that it is unneces-

sary specially to remark, for all well-informed Protestants know perfectly well that these brothers and sisters are no more members of the Catholic clergy than the members of the municipal council of the city of London form part of the government of England. They belong simply to the body of the faithful, like all other Catholics, who have absolutely nothing to do with the government or the management of religious affairs. The Church exists in all its integrity outside of these communities, which are merely associations for the purposes of charity and public instruction. They might disappear without in the least affecting the Church of Rome. The only difference, that would then be felt, as regards Catholics of the Province of Quebec, is, that in place of having to take care of the sick and infirm as well as for the instruction of their children, brothers and sister who work gratuitously, without other remuneration than what is strictly necessary to keep and clothe them modestly, Catholics would have to pay laymen, who most certainly would cost much more.

Permit me to cite one example, in order to show the truth of this assertion.

We have in this Province three asylums where the insane and idiots are maintained at the expense of the Government. Two of these are under the care of nuns, and another, that of Beauport, under laymen. In this asylum, the annual cost for each patient is \$132. At the Longue-

Pointe asylum, otherwise known as the Asylum of St. Jean de Dieu, which belongs to the Sisters of Providence, the Government only pays \$100 per annum. And the Sisters of Charity, who have under their care the Asylum of Saint Ferdinand d'Halifax, for idiotic women, only receive \$80 per annum for each patient. It is acknowledged that the Longue-Pointe asylum is at least as well kept as that of Beauport; and yet the price is \$32.00 less. As the Longue-Pointe asylum contains more than a thousand patients kept at the expense of the Government, it is evident that the sisters enable the Province to economize to the extent of \$32,000 per annum, compared to the amount which it would have to pay, if the asylum were kept by laymen, as that of Beauport.

The same remark applies to the other benevolent institutions under the care of religious orders. It appears by the public accounts for 1889 that the number of benevolent institutions subsidized by the Province is 94, of which 73, or 77.7 per cent, are under the care of religious orders. The sum paid to all these institutions is \$41,956, of which \$24,480.33 to establishments maintained by religious orders, and \$17,475.67 for those kept by members of the laity, Protestant and Catholic. That is to say, that institutions under the care of religious orders, which represent 77.7 per cent in number and much more in importance, receive only 58.34 per cent of the sums voted by the Legislature for the maintainance of benevolent institutions.

Do not these figures give me the right to assert, that even from a material or pecuniary point of view, the religious orders, which have the care of these benevolent institutions, are not only not a burden upon the Catholic people but a real benefit to it, a means of relieving it from heavy taxation? In a Christian country, there must be means adopted, in one way or another, to provide for the wants of the sick, the infirm, the orphans, the poor, and of the thousand of unfortunate creatures, who, if not helped by somebody, would necessarily drag on a wretched existence or perish in the public streets. This is one of the first duties of society. In other countries, this is provided for by taxation, by the State or municipalities; in the Province of Quebec, Catholics are free from these taxes, because their religious orders provide for these wants, and gratuitously, with the exception of the small allowance voted by the Legislature.

Where is there a reasonable man who conscientiously and sincerely would say that such orders live at the expense of the people? It is indeed the contrary which is true; it is the people who live to a great extent at the expense of these orders.

I would appeal to you, Protestants of the other Provinces who do not know our institutions; you whom a shameless fanatic would wish to rouse against these religious orders which do so much good in our Province; you, who have in your hearts sentiments of justice and Christian charity, come and see our convents,

our asylums, our hospitals; come and see them at work, see with your own eyes the ills they alleviate, the misery they soothe; you will return, I am certain, fully convinced that these order deserve anything but the condemnation on the part of Christians worthy of the name, be they Protestant or Catholic. You would be astonished at the sight of the good done by these orders with the small resources at their disposal; you would leave those sanctuaries of Christian charity with the same sentiments as those of a distinguished Protestant of our Province, the Hon. J. G. Robertson, whose attachment to Protestantism is undoubted. This is what he said during his budget speech in 1884:

OPINION OF HONORABLE MR. ROBERTSON.

Some years ago I visited these institutions "in Montreal, and I was not only gratified and "surprised at the improvement manifested by "the pupils under the care and instructions they "received, but full of admiration at the Christian "and philanthropic spirit manifested by those in "charge of these institutions and then made up "my mind that every assistance I could render "them I would gladly do to the best of my ability. All honor to the philanthropic individuals "and communities who devote their means and "personal effects in aid of those so grievously afflicted by Divine Providence."

Such is the testimony of a Protestant who has

been engaged in public life for almost a quarter of a century, Minister and Treasurer in six different conservative governments. Should not the testimony of a man of that standing be accepted in preference to that of an obscure journalist, hardly known to the handful of readers who live in his neighborhood? It may be allowable to have prejudices, but reason will permit no man to be at open war with logic and sound sense.

ADVANTAGES OF THESE INSTITUTIONS.

Our teaching communities secure to us also incontestable educational advantages. I do not hesitate to say that in our convents and girls' boarding schools, instruction does not cost half as much as it does in Protestant institutions of a like nature. The Christian Brothers and other orders also give to young men a superior education, almost for nothing, if we compare it with its cost in other places. According to the report of the Superintendent of Public Instruction for 1888, there are in the teaching body 1804 sisters, 585 brothers and 322 members of the clergy, that is, 322 priests or ecclesiastics. According to this report the average salary paid to lay teachers is \$363 per annum, and that paid to clerical teachers, brothers and ecclesiastics, is only \$205 or \$158 less; so that these 907 clerical teachers cost yearly \$143,306 less than an equal number of lay teachers. These figures are founded in a public and official document.

And these are the members of religious orders whom Mr. Sellar represents to Protestants of the other Provinces as parasites, living at the expense of the people, a cause of ruin for the Catholic population of the Province of Quebec!

Is it possible to be guilty of a greater outrage against truth?

TAXATION OF RELIGIOUS PROPERTIES.

Wilfully confusing together the properties of religious communities with those of the churches, Mr. Sellar says that they are held in mortmain and are "exempt from taxation."

This again is nothing but misrepresentation.

True it is that our religious orders possess their properties in mortmain, in the sense that these properties belong to the order as a collective body, as a moral being, and not to its members in particular; but this does not prevent these properties from being within the domain of commerce, that is, of being susceptible of purchase and sale like property belonging to private individuals. As a question of fact, I know of many such sales. The Quebec Seminary, the Seminary of St. Sulpice and many other religious orders have sold their properties, when favorable opportunities were offered; they still continue such sales, as also do other communities of the same kind.

At all events, this ownership in mortmain is not an attribute of the religious characters of these

orders; it is merely the application of the general law which governs all corporations of this kind, whether Protestant or Catholic. Hence it is folly to seek to find in this order of things a disability for Protestants who participate and benefit by the law absolutely in the same manner as Catholics. It is a matter of public order, the application of the general law of corporations, and it is only ignorance or bad faith which would find therein something of whole to complain.

As to taxation, Mr. Sellar is simply untruthful, when he says in a general manner that the property of religious corporations is exempt from taxes. This is what is laid down by article 712 of our Municipal Code which refers to the matter :

"712. The following property is not taxable :

"1. Property belonging to her majesty, or
"held in trust for her use :

"3. Property belonging to *Fabriques*, or religious, charitable, or educational institutions or
"corporations, or occupied by such *Fabriques*
"institutions a corporations *only for the end for*
"which they were established, and not possessed solely by
"them to derive a revenue therefrom."

As easily seen the exemption applies only and exclusively to properties which the religious orders uses directly for its particular ends. Thus the Quebec Seminary owns in the City of Quebec, besides the land on which are erected the buildings of the Seminary itself and of Laval University, a number of other properties which have been bequeathed to it for the purpose of aiding in the edu-

cation of poor children. On these last named properties, the Seminary pays municipal taxes like other owners and the exemption exists in its favor only upon properties devoted to purposes of education.

The same state of things exists in Quebec for the Ursulines, and at Montreal for the gentlemen of St. Sulpice, the Ladies of the Congregation, the Sisters of the Hotel-Dieu, of the General Hospital, etc., etc. These institutions have erected stores and shops on the sites of their old establishments in the centre of the city, and on these they pay taxes like all other proprietors.

This exemption moreover exists in like manner in favor of all benevolent and educational institutions, whether Protestant or Catholic. I can add that Protestants never miss the occasion to avail themselves of this privilege and to have recourse to the courts in order to avoid the payment of taxes which municipalities sometimes endeavor to impose on their proprieties exempt though they are from taxes.

Thus, this exemption of taxation which so jars upon Mr. Sellar's weak nerves does not apply to all religious properties and is not an exclusive privilege in favor of Catholic institutions; it flows from the common law, which is based, not on the religious character which has nothing to do with it, but on the purposes and end of the institutions, which are of public order and interest. In our Province, even among Catholics, some are of opinion that these exemptions should not

exist; others maintain the contrary; it is a question under discussion; but these opinions are based on economic reasons and not on religious considerations. The same diversity of opinion exists among Protestants, who cannot reasonably complain of the system by which they benefit equally with Catholics.

THE CATHOLIC CLERGY.

Mr. Sellar asserts that the priests, members of religious orders and sisters are 8,000 in number in our Province, and that adding to these "the lay servants and dependants, there must be 20,000 whose daily bread comes from this gigantic organization."

This also is one of these assertions which it is difficult to qualify otherwise than as a lying statement.

The number of priests and bishops in the Province is given exactly, in the calendar, it is 1,269; the number of members of brotherhoods and sisterhoods, devoting themselves to teaching is given in the *Report of the Superintendent of Public Instruction*, it is 2,389; add 1,000, which is more than the actual number, for the brothers and sisters, who devote themselves to works of charity, in hospitals, refuges and asylums of every kind, and we will have a total of 4,658 or about one half the number given by Mr. Sellar.

As to servants, whom he estimates to be

12,000 in number, I assert that they do not exceed 3,000 and I challenge him to prove the contrary. In almost all the communities, there are lay sisters and lay brothers engaged in the manual labors of their communities, so that the number of lay servants is almost nothing. The number of servants of parish priests is quite as inconsiderable, and most certainly does not exceed 1,500. By adding the servants of the religious orders, we have a total of 4,500 or not more the third of the number given by Mr. Sellar. That is to say, that far from reaching the figure of 20,000, the population of which this gentleman speaks, is at the utmost 9,158. Simply an error of more than half!

SERVICES AND LABORS OF THESE PERSONS.

What is returned to the Catholics of the Province of Quebec by these 9,158 persons? Most perfect religious service, superior education in all its branches, commercial and agricultural instruction, the care and maintenance of the poor, the orphans, the infirm, the sick and of all these unfortunates who depend upon public charity. Are these works not sufficient usefully to employ 9,158 persons in a population of 1,170,718 people? It is said that comparisons are odious. If I did not fear to expose myself to the reproach of making them, I would make one which would expose more clearly the full extent of the injustice of which Mr. Sellar has been guilty towards our clergy and the religious communities of Catholics in the Province of Quebec.

To give greater effect to his false representations, our QUEBEC LOYALIST opposes the 3,000 Protestant ministers to the pretended 20,000 persons living on religion in the Province of Quebec. To arrive at the latter figure, he includes the brothers, the sisters, the servants, in fact everyone that his imagination can summon. Let us adopt the same method of calculation for Ontario. Your 3,000 ministers are heads of families and support their wives and children. It would not be exaggerating, I think, to assume that these 3,000 families comprise at an average five persons each, which gives at once a population of 15,000 souls. It is reasonable to suppose at least one servant for each of these families, which gives 3,000 more, forming a total of 18,000 persons "whose daily bread comes from this gigantic organization." For the same ends, that is to say, for the care of souls or the service of public worship, we find in the Province of Quebec only 2,500 persons at the most; that is to say 1000 priests and 1500 servants.

The difference is great enough to render tangible the exaggeration and falsehood contained in Mr. Sellar's letter.

Let us make another comparison.

I have previously shown that the 9,158 priests, brothers, sisters and servants whom we have here, provide us with religious service, education in all its branches for both sexes, and also with the care of our benevolent institutions, and as far as the latter are concerned at their own charge

and cost. In Ontario the people are obliged to support a population twice as great, merely to secure religious service; they have further to support the members of their teaching bodies as well as those engaged in benevolent establishments, who are at least as numerous as those whose daily bread comes from religious service.

I leave to impartial people the task of drawing the proper conclusions and of judging what opinion should be formed of the veracity of Mr. Sellar, the worthy editor of the *Gleaner* and the unworthy co-worker of the Equal Rights Association, if that body has the least respect for justice and truth.

I may be here allowed to indicate the cause of the ridiculous exaggerations into which certain persons allow themselves to be drawn when speaking of the so-called wealth of the Catholic clergy.

DIFFERENCE IN THE EXPENSES OF CATHOLIC PRIESTS AND PROTESTANT MINISTERS.

There exists a decided difference as to the respective positions of the Catholic priest and of the Protestant minister. Owing to celibacy, the former has to provide only for his own support, whilst the latter has to maintain a whole family.

With an income of five or six hundred dollars, the Catholic priest lives comfortably, can even practice a few small economies which ecclesiastical discipline obliges him to employ in good

works. The Protestant minister, on the contrary, only finds what is absolutely necessary for himself and his family in an income of six hundred dollars, and if his salary is sufficiently large to permit him to economize, he very naturally employs the amount of his savings for the benefit of his family in place of devoting it exclusively to institutions of learning, benevolence and charity.

It is thus that are formed in great part, by our clergy, and without in the least over-burdening the faithful, these resources with which are created and maintained the greater number of these Catholic institutions which are the admiration of every one not blinded by prejudice. That which the Protestant minister gives to his own family, the Roman Catholic priest devotes to the use of the people and to works of public benevolence.

What is there in all this which can be taken as a cause of disability for Protestants, especially for Protestants of the other provinces? Is it our fault if, because of their marriage, the support of Protestant ministers is more expensive and does not permit them to make, as do Catholic priests, gifts and legacies to institutions of public benevolence?

It is to this that is reduced the so-called wealth of the Catholic Church.

I more or less understand that you, Mr. Caven, who live in a Protestant province and who can only know superficially our religious orga-

nization, should allow yourself to be drawn into these exaggerations on this question ; but as to your co-laborer Sellar, who lives in the midst of a Catholic population and pretends to know their institutions, it is unpardonable dishonesty on his part, which should stamp upon his brow a stigma which for charity sake I will not particularize.

II

THE PARISH SYSTEM AND ITS SO-CALLED INCONVENIENCES FOR PROTESTANTS

Mr Sellar does not like the Parish system. Were we to believe him, it is the principle disability under which Protestants of our Province labor. He carps at our Parochial organization and does it without the slightest regard for truth.

I need not say that he here gives proof of culpable ignorance or of inexcusable bad faith, in representing the parochial and seignorial system as two correlative institutions ; they who have made the slightest study of our institutions under the French domination know that the above statement is not correct.

OPINION OF DR DAWSON : (1)

" ... It seems evident that the parish system
 " is not incompatible with the English tenure ;
 " that it is and always has been independent of
 " the fendal tenure and that there is now existing

(1) Letters published in the *Week* and republished in the *Montreal Gazette* in January and February, 1890.

"only one system of laws throughout the Province."

But such errors are mere trifles for a man of Mr. Sellar's veracity. I must leave many of them aside to concern myself only with his greater errors.

"The priest, says this truthful writer, is the convener and chairman of all parish meetings and without his sanction nothing can be done by the people."

This involuntarily reminds me of the young military cadet giving instructions in drill.

—"What is right face?" asks the recruit.

—"It is turning to the right," answers the cadet.

—"And what is left face?" —"It is the same thing, except that it is exactly the contrary."

The good Mr. Sellar is like this young drill instructor, he states that the people can do nothing without the sanction of the priest; just so, except that it is exactly the opposite which is true. The canonical and civil erection of parishes, the administration of parochial matters and all affairs of like nature are done only with the consent of the parishioners, so much so indeed that neither the bishop nor the parish priest can do anything without such consent. The part of the *curé* is limited to presiding at those meetings, whose decisions are made by the majority of votes. On this subject, Sir Hector Langevin says, in his *Manuel des Paroisses et Fabriques*.

"Fabrique meetings, are convoked by the

curé or the priest replacing him on the demand of the trustee in office, *marguiller en charge*. The *curé* or the priest replacing him presides at the fabrique meeting... All business is decided by a plurality of votes."

In his *Code des Curés, Marguilliers et Paroissiens*, judge Beaudry says, on page 82 ;

" It is to the bishops that belongs the initiative of the (canonical) erection of parishes, *but he can proceed thereto only on the demand of the proprietors* who inhabit the territory to be erected into a parish. We can easily understand this requirement, especially under our form of government where every thing is founded on the wish of the majority " — " All these buildings," the same author goes on to say in citing Fremenville, " their establishment, their erection and maintenance are of great interest to the inhabitants in as much as none of them can be made without their giving their consent."

With the bad faith which characterizes him, the writer of *the Gleaner* insinuates that these provisions of the law are illuded by the *curé* who abuses his influence to extort the consent of his parishioners.

DECLARATION OF DR DAWSON.

To the insinuations of this ignorant writer I will merely oppose the assertion of a protestant who is distinguished as much for his attachment

to his faith as by his science and honorable character. Dr S. E. Dawson, of Montreal, in his letters to the *Week*, speaks as follows :

" In reading many of the articles written upon the parish system in this Province, one might be led to suppose that the Roman Catholic Bishops possess the arbitrary power of erecting, dividing and uniting parishes of their own mere motion ; and also of building churches and presbyteries at the expense of the people, whenever and however they please. Such is not the case. The tithes and dues are collectable by law ; but assessments for other ecclesiastical purposes cannot be levied without the consent of the people, and the laity have more to say about it than is usually supposed by Protestants. The while procedure is regulated by statute and guarded by numerous formalities, the neglect of any one of which is fatal.....

" *All proceedings under the parish system originate with the laity*, whether for the erection of a parish, or for its subdivision or union with another..... The papers, with certificates of compliance with all legal forms, are considered by the commissioners (all laymen named by the Lieutenant-Governor) who hear all the parties interested and reject, modify or confirm the assessment roll as may appear best in their judgment. If all this tedious detail has been given, it is to show that Protestants are in error when they suppose that they clergy imposes these assessments. On the

"contrary, it is the laity who tax themselves. No doubt the clergy use their influence, as they would anywhere, but they cannot in any way drag into such matters their functions as dispensers of the sacrament."

CHURCH TAXES

Still speaking with his customary good faith, Mr. Sellar informs us that the taxes for the building of churches, compel many farmers to sell their properties and leave the country.

This is another falsehood. Let him cite a single instance in support of this wicked insinuation.

To justify his odious calumnies and to excite hatred against the majority of the inhabitants of the province of Quebec, Mr. Sellar forgets the respect an honorable man owes to truth and goes so far as to give the parochial system as the cause of the depopulation of the English and Protestant townships. In support of this audacious assertion, he cites a case which gives a good idea of his exactness as a writer and of his power as a logician.

According to Mr. Sellar, a Roman Catholic bishop one day had the audacity to erect as a canonical parish a colony of Catholic settlers, who had been increasing and prospering for twenty years past. Can you imagine how far they had advanced during these twenty years of progress

and prosperity? They enjoyed the supreme happiness of forming a population, "composed mainly of laborers employed by Protestants."

Had they not reached perfect happiness, when the bishop had the cruelty to deprive them of this enviable position by erecting them into a canonical parish? Can you imagine the misfortune which fell upon them, from this erection into a parish? The *cure*, if we would believe Mr. Sellar, was barbarous enough to find for them money at a low rate of interest to enable them to buy the properties of their Protestant masters, who little by little disappeared, and this worthy man adds that such is the history of fully twenty Protestant settlements throughout the Province.

EXODUS OF PROTESTANTS

I leave to Mr. Dawson the task of making known the causes of this removal of our Protestant population, which has absolutely nothing to do with the parochial system.

"The Eastern townships of Quebec were
 "settled by English immigrants from Britain and
 "the United States. As, during recent years
 "the rich lands of the Northwest were opened up
 "the young people became restless. The proceeds
 "of the sale of a farm will buy ten times as much
 "land in the Northwest, believed to be of better
 "quality. The attraction of city life draw the
 "youth to the town, the profits of farming in the
 "east are destroyed by western competition, and
 "so the heads of rising families must move west

" or be left to manage their farm alone. In this
 " way, a constant movement is going on, an out-
 " flow of English and an inflow of French

" The theory that the parish system was linked
 " with the seigniorial tenure will not avail,
 " for it is not true Nor would it be desirable
 " if true. If the English farmers improve their
 " circumstances by selling out, it is surely bet-
 " ter that ready purchasers should be found. It is
 " better than leaving the farms tenantless. The
 " movement is not peculiar to the Eastern Town-
 " ships of Quebec. In Vermont, New-Hampshire,
 " and other New-England States, the number of
 " deserted farms lapsing into wilderness is so great
 " as to cause serious alarm, and plans are projected
 " of getting up societies to promote immigration,"

This is the truth, frankly and honestly told
 by a Protestant writer, whose social position casts
 in deep shade that of the poor writer of the
Gleaner.

As so well stated by Dr. Dawson, what harm
 can there be in Catholics purchasing, at high
 prices, the properties of Protestants, when the
 latter find it to their advantage to sell out and
 seek their fortune in the great West? Is it the
 fault of the Catholics? is it the fault of the parish
 system, if a longing for Manitoba and Minnesota
 lands has seized upon Protestant farmers? It is
 but folly to advance such a proposition, it is an
 insult to the common sense of Protestants, who
 would be guilty of most ridiculous fanaticism
 thus to abandon their farms for the sole purpose
 of avoiding contact with Catholics. If they fear

Catholics, so much the worse for them; it certainly is not the fault of the parish system.

What disability is there in all this?

PROTESTANT SCHOOLS

Mr. Sellar states that Protestants have become so few that they find it difficult to keep up their schools.

There is as little truth in this as in the other assertions of Mr. Sellar. Sir John Rose, who represented the county where Mr. Sellar displays his scholarship, knew, at least as well as this obscure journalist, the position of Protestants with respect to their schools. In his speech on Confederation, he contradicted in advance the untruthful assertions of the *Gleaner* man. I cite his words:

"Now we, the English Protestant minority of Lower Canada, cannot forget that whatever right of separate education we have was accorded to us in the most unrestricted way before the Union of the Provinces, when we were in a minority and entirely in the hands of the French population. We cannot forget that in no way was there any attempt to prevent us educating our children in the manner we saw fit, and deemed best; and I would be untrue to what is just, if I forget to state that the distribution of state funds for educational purposes was made in such a way as to cause no complaint on the part of the minority. I believe we have always had our fair share of the public grants in so far as the French element could control them, and not only the liberty, but every

facility, for the establishment of separate dissentient schools wherever they were deemed advisable. A single person has the right under the law, of establishing a dissentient school, and obtaining a fair share of the educational grant, if he can gather fifteen children who desire instruction in it." (1)

Is that clear enough? Is it not a peremptory refutation of the reckless statements of Mr. Sellar?

In regard to education, Catholics in Ontario are far from being as well treated by the Protestant majority. And yet their position is much better than that of their co-religionists in Manitoba or New Brunswick. What would happen if, in the Province of Quebec, the majority were to set about organizing, in favor of the Catholic minorities of the other Provinces, a movement similar to the one your Association has organized against us in favor of the Protestant minority of Quebec? If you are acting as good citizens in rousing the Protestants of the other Provinces against the Catholics of Quebec, you will admit, Mr. Caven, that we would be fully justified, were it only on the plea of reprisals, to rouse the Catholics of the other Provinces against the Protestant minority of Quebec. What then would be the fate of that minority?

But fear nothing. the Catholics of Quebec are not aggressive; all they ask is to live at peace with their Protestant fellow-countrymen and to have the satisfaction of being able to say, that in

(1) *Confederation Debates*, p. 410.

the whole world there is not a single country where the minority is treated with as much justice and liberality as the Protestant minority in our Province.

III

TITHES.—THAT ENGLISH COURTS ARE DEGRADED BY BEING CALLED UPON TO ENFORCE THEIR COLLECTION

I have already set forth the amount paid over by the tithe system to the Catholic clergy, and shown that on an average it does not give more than \$500.00 to each priest engaged in parochial duty. It is not excessive indeed; and yet, according to Mr. Sellar, that amount of revenue allows the clergy to accumulate considerable wealth and to support these benevolent and educational institutions which are the strength of our nationality.

In spite of himself, the publisher of the *Gleaner* there admits that the clergy makes a worthy use of the revenue derived from tithes.

However, as a question of fact, it must be said, that the greater part of the resources of our oldest benevolent institutions are derived from donations made under the French Government without doing injury to any one. The Seminary of Montreal, that of Quebec, the Ursulines, the Ladies of the Congregation and the Sisters of the Hotel-Dieu at Montreal, who do so much good,

draw the greater part of their revenue from real estate. How can that affect Protestants ?

Mr. Sellar pretends that the introduction of the tithe system in parts of the Province situated outside of the seigniories is a violation of English institutions, a usurpation of the privileges of Protestants, because this territory should be governed exclusively by English law.

Further on I will treat of the introduction of English law in the country, and I will show that, on this as on other points, Mr. Sellar is in error ; but, even were he right on this point, he still would be wrong in stating that the introduction of the tithe system in the townships is a violation of English law, because that system is essentially a part of the institutions of Great Britain.

TITHES IN IRELAND.

On this question also, I do not fear to compare the conduct of my compatriots with that of Protestants. Here, Catholics never dreamt of creating a revenue for their clergy by compelling Protestants to pay tithes. In Ireland it was quite different. In many parishes exclusively catholic, members of that faith were obliged to pay tithes to a Protestant minister, who did not even reside in the parish, for the very sufficient reason that it contained no Protestants. And in that case it was not a tithe of the twenty-sixth part of certain agricultural products, as with us, but it was a

tithe of one-tenth of the products of the soil, of cattle, and even of salaries.

That is what Protestantism has done in Ireland!

And it is in the name of Protestantism, which is guilty of these abominations, of Protestantism which for more than two centuries so cruelly oppressed the Catholics of Ireland for the benefit of sinecurists among the Anglican clergy and that by the enforcing of tithes; it is in the name of this same Protestantism, that you come to preach a crusade against the tithe system, as it exists in the Province of Quebec, where it does not in the least affect Protestants.

A person may be audacious—*audaces fortuna juvat*—yet it seems to me that these considerations should lead you and your colleagues of the Equal Rights Association, to understand that if there are people who cannot with decency speak against tithes, it is assuredly English Protestants who entertain your ideas.

TITHES IN ENGLAND.

Indeed, if there be in the whole world a country where the tithe system has been and still is a part of the public law, it is England. This is admitted by all the authors who have written on the laws of that country. This is what is said by Stephens in his commentaries :

“ These (Tithe.) are a species of incorporeal hereditaments, and are capable of being held either by laymen or by the clergy in right of their churches—Tithes are the tenth of the

" increase, yearly arising from the profits and
 " stocks upon the lands and on the personal in-
 " dustry of the inhabitants of the parish. The
 " first species being usually, called *prædial*, as of
 " corn, grass, hops and wood, or *mixed*, as of wool,
 " milk, pigs; the other *personal*, as of manual oc-
 " cupations, trades, fisheries and the like. Of the
 " prædial and mixed tithes only the tenth part
 " must be paid in gross, but of personal rights
 " only the tenth part of the clear profits." (1)

In virtue of commutation laws passed since 1836, tithes payable in produce have been replaced by taxes—*tithe-rent-charge*—payable in money but equivalent to the amount of tithe payable in produce. This revenue, like the tithes which it represents, is a privileged claim upon real estate. Tithes also exist in Scotland and the people of Ireland have good reasons to know of their existence in their country.

Hence, tithes form part of English law and if this law had been applied to those parts of the Province situated outside of the seigniories, tithes would exist there also. What harm can there be that it exists only concurrently with the Catholic Church? How does it concern Protestants if Catholics pay their *cures* in wheat, oats, or barley, in place of paying them in money if it so please them? They only pay the twenty-sixth bushel, whilst if under the English law for which Mr. Sellar displays such love, they would have to pay one tenth not only upon their grain, but on their cattle, their wool, their wood, the products of their

(1) *Stephen's Commentaries on the Laws of England*, vol. II. p. 728

industry, in fact on everything on their farms. French Canadians do not long to enjoy this liberality of English law, which would make them pay two and a half as much for the support of their clergy, and reasonable Protestants will admit that they are not far wrong.

CANADIANS AND TITHES

"At the rebellion of 1837, says Mr. Sellar, the habitants were stimulated to take part in it, because one of the reforms promised was the abolition of tithes."

This falsehood is found in no other serious work than in the report of Lord Durham. The gentleman of the *Gleaner* would be much troubled if he were called upon to prove this false assertion.

"A misconception to be avoided is," said Mr. Sellar a few lines farther, "that the tithes represent all that the habitant contributes to the support of his clergyman..... To secure a pew, he has to pay a yearly rental, and for all the rites and services of church and priest, he has to pay."

LYING FOR THE PLEASURE OF LYING

The above simply proves that Mr. Sellar lies for the mere pleasure of lying or else that he is ignorant of plainest part of the question on which he writes. The pew rents belong to the *Fabrique*; that which is paid for Church services and other rights—*surplice fees*, *mortuaries* of the English Church—also belongs to the *Fabrique*, except a slight percentage in favor of the *cure*. In his

Manuel des Paroisses, Sir Hector Langevin positively asserts "that the goods and revenues of the *Fabrique* are composed of: 1o real estate in ownership "or enjoyment; 2o rents; 3o pew-rents; 4o "amount of collections; 5o amount disposed in "poor boxes; 6o donations; 7o furniture and "moveable effects; 8o the *casuel*."

Catholics have absolutely nothing else to pay. If these revenues belong to the *Fabrique*, which is managed by the Trustees or *marguilliers*, as agents and mandataries of the parishioners, what should we think of the assertion of Mr. Sellar who states that they all belong to the *curé*?

That the tithes may be paid in certain cases "with repugnance," is quite possible, for among Catholics as well as among Protestants, there are people who do not like to pay their debts. But these are isolated cases, they are the exception and not the rule, and in speaking in general terms as he has done, the *Gleaner* man is guilty of calumny.

APOSTLE OF IRRELIGION

All these reckless assertions are ridiculous and can only injure the reputation of the man who publishes them; this justifies me in not insisting further on the subject; but in speaking of the collection of tithes and of the right to enforce their payment by legal process before the courts, Mr. Sellar openly becomes the apostle of irreligion, apostacy, and even of atheism. According to him, the English courts are guilty of a crime in lending their assistance for the recovery of tithes, and he

wants to know if the tribunals of the British Empire should participate in enforcing "these demands and become the collectors of these contributions."

Two authorities have the right to enforce the payment of tithes: civil authority and religious authority. If you remove the first, the other alone will remain. But the Catholic, who eaten up by avarice, would prefer his money to his religion, need only apostatize in order to free himself from the religious authority of the Church. To free him from the civil authority and submit him to ecclesiastical authority alone, would be place him on the road which would necessarily lead to irreligion, apostacy and even atheism. And it is this which Mr. Sellar claims, in the name of Protestantism and Christian principles!

I do not hesitate to say that in becoming the champion of this abominable doctrine, the *Gleaner* man preaches a theory which is immoral and anti-religious, which deserves the reprobation of all good Christians and especially of the Equal Rights Association, if it have the least respect for religious sentiments. In support of this assertion, will cite the opinions of Wedderburne, a Protestant, whose opinions are at least worth as much as those of the gentleman of the *Gleaner*.

In the course of the debate on the Act of 1774, some members of the House of Commons proposed the suppression of tithes. This remarkable man, whom I have just named, opposed the motion, or the reason that it was of a nature to encourage apostacy and irreligion.

this system in parts of the Province situated outside of the Seigniories is a violation of the Act of 1774 and a usurpation. If I prove that this Act introduced French law throughout the whole extent of the Province of Quebec, I will be proving that Mr. Sellar is in error and that the parish system has, since the passing of this Act, existed as of right throughout the whole extent of our country.

The boundaries given to the Province of Quebec by Act of 1774, comprised all our present territory, all the territory of the Province of Ontario, Michigan, Wisconsin and even a part of Illinois, as they extended to the Ohio and Mississippi. In all that immense territory it was French law, which was to prevail to the exclusion of English law, except as to criminal law and some other parts of English law. The text of the statute is positive on this point:

Sect. V "..... It is hereby declared that his Majesty's subjects, professing the religion of the Church of Rome of and in the said Province of Quebec, may have, hold and enjoy, the free exercise of the religion of the Church of Rome;... and that the clergy of the said Church may hold, receive and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion. (14 Geo. III (1774) c. 83, s. V.)

Sect. VIII "..... that all his Majesty's Canadian subjects within the Province of Quebec,.... may also hold and enjoy their property and possessions, *together with all customs and usages*

"relative thereto and all other their civil rights;.....
 "and that in all matters of controversy, relative
 "to property and civil rights, resort shall be had
 "to the laws of Canada, as the rule for the deci-
 "sion of the same; and all causes that shall here-
 "after be instituted in any of the Courts of Jus-
 "tice, to be appointed within and for the said
 "Province by his Majesty, his heirs and succes-
 "sors, shall, with respect to such property and
 "rights, be determined agreeably to the said laws
 "and customs of Canada... (14 Geo III (1774)
 "c. 83. s. VIII. "

DECLARATION OF LORD THURLOW

The text is quite positive; but its sense be-
 comes much clearer, if we see the inter-retation
 given to the Act by the Ministers who prepared it
 as well as by other members of the House of Com-
 mons. In explaining the tenor of the Bill, attor-
 ney-general Thurlow said in formal terms:

(1) "In order to make an acquisition either
 "available or secure, this seems to me to be the line
 "that ought to be followed—you ought to change
 "those laws only which relate to the French
 "Sovereignty, and in their place substitute laws
 "which should relate to the new Sovereign; but
 "with respect to all other laws, all other customs
 "and institutions whatever, which are indifferent
 "to the state of subjects and sovereign, human-
 "ity, justice and wisdom equally conspire to
 "advise you to leave them to the people just as
 "the were."

[1] CAVENDISH. *Debates on Canada Bill of 1774*, p. 30.

Section IX of the act of 1774, reads as follows.

"IX, Provided always that nothing in this act contained shall extend, or be construed to extend to any lands that have been granted by His Majesty, his heirs and successors, to be holden in free and common soccage." (14 Geo. III, (1774) c. 83 s. IX.)

It is upon this clause that Mr. Sellar grounds his claim that the Act of 1774 restricted French law and the parish system to the seigniories.

Let us examine the interpretation which should be given to this article of the constitution of 1774.

OBJECT OF THE ACT OF 1774.—APPLICATION OF SECTION VIII.

No one will, I suppose, deny that the object of this law was to completely separate the French Canadians from the English colonists and to establish the latter in the Province of New-England, as much as possible on the borders of the sea. This was stated in express terms by solicitor-general Wedderburne. But the difficulty was to ascertain if the southern boundary, as defined in the Bill, did not encroach on the territory of the province of New-York and if it were not of such a nature as to affect the rights of the inhabitants of that colony, who possessed lands under english tenure and were governed by the law of England. It was asserted that by changing or defining the frontier, the King could deprive the colonists of New-York and of other English colonies of the advantages of English law and submit them to

what was called the slavery of the French regime, by including them in the territory of the province of Quebec which was to be exclusively subjected to French laws. To allay these fears, there were introduced in the bill the *proviso* contained in section II and the one cited by Mr. Sellar which is only its corollary. But this *proviso*, as it clearly and undoubtably appears by the debate in the House of Commons, applied only to the lands abovementioned, that is to say, to the border parts of the English colonies which might be included in the province of Quebec by the delimitation of the frontier line, and not at all to that part of the Province comprised between the seigniories and the neighboring colonies which to-day forms the townships. Burke, who devoted himself specially to the matter, set it forth very clear in the course of the debate upon the bill:

OPINION OF BURKE.—EXPLANATION OF
SECTION VIII.

“ In the first place, when I heard that this bill was to be brought on the principle that parliament were to draw a line of circumscription about our colonies, and to establish a sort of arbitrary power, *by bringing around about Canada the control of a other people, different in manners, language and laws, from those of the inhabitants of this colony.* I thought it of the highest importance that we should endeavor to make this boundary as clear as possible. I conceived it necessary for the security of those who are to be

"beseiged in this manner, and also necessary
 "for the British subject, who should be restricted
 "within the limits to which he was meant to be
 "restricted and not be allowed to venture un-
 "knowingly into the colony to disturb its posses-
 "sors. I wish these limits to be ascertained and
 "fixed with precision for the sake of both parties.
 "Having this object in my view, I shall first con-
 "sider the line drawn in the proclamation of
 "1763... This line, the south west frontier, the
 "people of Canada acquiesced in. They have since
 "come before his majesty's government, and have
 "laid before it a complaint in which they state,
 "that this was a line drawn especially for the
 "purpose of territorial jurisdiction, and the secu-
 "rity of property; but they represent it is a line
 "ill-suited for a growing country... This line,
 "they say, is only fifteen leagues distant from
 "Montreal, and yet it is only on this side that
 "the lands are fertile and that agriculture can be
 "cultivated to much advantage..... So far as this
 "bill conveys to the natives of that country every
 "right, civil and religious, held either by the
 "great charter of nature, or by the treaty of 1763,
 "or by the King's proclamation, or by what above
 "all it ought to be held by, the lenity, the equity,
 "the justice of good government,—I would give
 "the enjoyment of these in the largest and most
 "beneficial manner; but the very same line of
 "justice, which I would extend to the subjects of
 "Great Britain ought not, in my opinion, to be
 "conceded to the old Canadians.

"Having drawn the line that best becomes

" the regulation of right, the question comes
 " now—whether what they ask is a favor which
 " can be granted them, without doing a material
 " injury to the most substantial rights of others ?
 " whether the effect of the power given by this
 " clause may not be to reduce British free subjects
 " to French slaves ? Now if the line drawn from
 " Lake Nipissing is to be altered, at whose expense
 " will it be altered ? The colony of New-York
 " claims all the country south of that line till it
 " meets with some other British colonies of known
 " boundaries ; and these are claims which ought
 " at least to be heard, *before the people of that colony*
 " *are handed over to the French government.* "

" However, after this line had been settled to
 " forty-five degrees, it was found that the French
 " and English maps differed very considerably as
 " to the position of this degree ; and this differ-
 " ence occasioned a great deal of confusion, so
 " that the colony of New-York, which bound
 " next to Canada, had perpetual controversy about
 " the limitary line, though they agreed that
 " the line should be settled at forty-five degrees,
 " they never agreed where the forty fifth
 " degree of latitude was. To remedy this
 " confusion, in 1767, the colonies, by a very
 " provident order of the Crown, determined to
 " hold a meeting on the frontiers, at which they
 " took an actual observation, and fixed the lati-
 " tude of forty-five degrees to the head of the
 " northern part of Lake Champlain. When they
 " had fixed this limit, the colony of New-York
 " gave up all that part included in the triangle,

" the base of which was a line drawn at the angle
 " of forty-five degrees..... Having got that line
 " drawn, a parallel was to be run from east to
 " west, till stopped by some other colony; but
 " when the line was fixed of forty-five degrees,
 " the line itself was not drawn but only the point
 " settled from which it should be drawn. The
 " east line is actually drawn on the map; but
 " the line in the north-west part was left totally
 " undefined,—the point being fixed simply to the
 " head of Lake Champlain. The consequence
 " was that the whole west boundary of New-
 " York extending above two hundred miles, a
 " little more or less, including all the best settled
 " parts of that province, and *inhabited by various per-*
 " *sons, civil and military, all this has been supposed to go*
 " *under that description to the Province of Quebec by the*
 " *provisions of this bill.* To those who objected to so
 " frightful a conclusion, it was said, it was in the
 " power of the Crown after this Act, to adjudge to
 " this Province what belonged to it on the other
 " side of the line. The first thing that occurred to
 " me after hearing this declaration was, that a
 " lawsuit would be the beginning of this happy
 " settlement.

" With very uneasy sensations on this head
 " I came down to the House. The noble Lord
 " showed me the amendment which by no means
 " relieved my apprehensions. The reason why I
 " feel so anxious is that the line proposed is not a
 " line of geographical distinction merely; it is not
 " a line between New-York and some other
 " english settlement; it is not a question whether,

„ you shall receive a more advantageous govern-
 „ ment upon the side of Connecticut or whether
 „ you are restrained on the side of New Jersey.
 „ In all these you find english laws, english cus-
 „ toms, english juries and english assemblies
 „ wherever you go. *But this is a line which is to*
 „ *separate a man from the right of an Englishman.*
 „ First, the clause provides nothing at all for the
 „ territorial jurisdiction of the province. The
 „ Crown has the power of carrying the greatest
 „ portion of the actually settled part of the Pro-
 „ vince of New York into Canada. It provides
 „ for individuals, that they may hold their pro-
 „ perty; *but they must hold it subject to the French*
 „ *judges, without the benefit of trial by jury.*” /

EXPLANATIONS OF LORD NORTH.

“ Lord North spoke after Burke: (1) “ The
 “ objection I have is precisely what the honorable
 “ gentleman has mentioned. I am not clear whe-
 “ ther there are not upon the south-east part of
 “ the River St. Lawrence Canadian settlements. I
 “ have been informed there are. I am sure there
 “ are no New-York settlements in that part of
 “ the world. I think it more prudent to have
 “ the boundary line settled on the spot; *reserving*
 “ *in the act all these lands that have been granted under*
 “ *any authority to the old settlers.*”

PROTECTION OF NEW-YORK SETTLERS

“ I shall satisfy the noble lord, replied Burke
 “ that there is no inconvenience in the world in
 “ drawing this line; no injustice in the world to

[1] CAVENDISH. *Debates of the Canadian Bill of 1774* p. 192.

" Canadians, more injustice in drawing an imaginary line, that may involve the whole colony of New-York in confusion. I should be extremely tender of the privilege of the subject ; and therefore I would not disturb any man living in his property. But the fact is, no man is injured by what I propose ; but by what the noble lord proposes, if Canada is in future to have boundaries determined by the choice of the Crown ; the Crown is to have the power of putting a great part of the subjects of England under laws, which are not the laws of England..... Upon the noble lord's proposition, half the colony of New-York may be adjudged, and some of it must be adjudged, to belong to the colony of Canada. The fate of forty or fifty thousand souls is involved in this question. At present the colony of New-York is the crown's. The noble lord may adjudge it to belong to Pennsylvania, but he cannot deprive it of the laws of England. Now, however, by an act of Parliament he is going to do it. The Crown has the power, at a stroke to reduce that country to slavery..... The parties here are English liberty and French law ; and *the whole province of New-York* further than it is defined by actual bounds, *is in the power of the Crown*, not to adjudicate but to grant and hand over to the French. I do not suppose if the Crown were under the necessity of adjudging, that it would adjudge amiss ; but it is in the power of the Crown to grant even its power of adjudging. When put on the English side, they are put in the power of the laws ; where put on

" the French side, they are put out of the power
" of the laws. "

Those citations are rather long; but it was necessary to give them in order to show that the proviso mentioned by Mr. Sellar applies purely and exclusively to those parts of the Province of New-York which the King might include in the Province of Quebec, and that it applies only to the inhabitants of the territory which might thus be annexed to the Province of Quebec, but not to non-disputed parts of that Province. On this point, there can be no doubt and it is only people who are in ignorance or in bad faith who would pretend the contrary.

SENSE OF SECTION VIII

As I have previously said, section VIII, on which Mr. Sellar founds his claim, is only the corollary of section II and was added only for the purpose of giving an assurance, to colonists of that part of the Province of New-York which might be annexed to that of Quebec, by the determining of the boundaries, that even if they became thereby inhabitants of the French province, they would still be governed by English law. Otherwise clause VII which assures to Catholics the free exercise of their religion and implies the existence of the parish system, would be void of sense. And at any rate, if the object of the bill had been to limit the application of French laws and customs to the seigniories, it would have said so in formal terms. But it does not so say, and attorney-general Thurlow as well as all who explained the tenor of the bill to the House of Commons,

state that it puts in force French law and customs in the whole extent of the Province, for the tenure of land as well as for all other purposes.

INTERPRETATION OF THE IMPERIAL GOVERNMENT

If there remain any doubts on this point, the proofs, which I will not cite, should make them entirely disappear and leave the question fully solved.

No one better knew the true meaning of the Act of 1774, as to the tenure of land, than the Imperial Government which had prepared and passed the Bill. In 1775, the Government revoked its previous instructions with regard to the concession of lands and gave other instructions to the colonial authorities, ordering that in the future all concessions of lands by the Crown should be made according to the seigniorial system, in fiefs and seigniories, that is to say according to French law; this clearly proves that the Act of 1774 applied French law and customs, the parish system like the rest, to all the Province without any reserve. On this point, we have the evidence of John Davidson, the Commissioner of Lands, who was thoroughly conversant with the question. In the course of the enquiry instituted by Lord Durham, on the land tenure in 1839, this is what Mr Davidson said:

"From the acquisition of the Province in 1763 "up to about 1775, land was granted under instructions from the Crown framed in England under location tickets in free and common saecage... "In 1775, these instructions appear to have been

" superseded by instructions from the Home Government, which directed that all lands then or thereafter to be subject to the disposal of the Crown, should be granted in fief and seigniority, in like manner as was practised antecedent to the conquest but omitting any reservation of judicial powers. Under these instructions, three seigniories appear to have been granted. These instructions appear to have been modified in 1796, by instructions to Lord Dorchester, whereby it was ordered that grants should be made to immigrant U. E. Loyalist and to disbanded soldiers... These grants to be held under the Crown as seignior, and subject to all seignioral duties." (1)

Is this clear enough?

In the face of such testimony, what becomes of the pretensions of Mr. Sellar concerning lands situated outside of the seigniories and of the exclusion of the parish system from such lands by the Act of 1774. For an honest man, for a serious writer, the question is not open to discussion.

DECLARATION OF PITT

All this moreover is corroborated by the Act of 1791. As the English settlers were complaining of being subjected to French laws, in the Province of Quebec, the Imperial Government divided it into Upper and Lower Canada, for the special purpose of satisfying the English settlers, by giving them a Province [where they would exclusively enjoy the benefit of English laws and institutions and also in order to preserve for the

(1) *Minutes of Evidence, Commission of Enquiry for Crown Lands*, page 8

French-Canadians the other part of the Province subject exclusively and without reserve to French laws and institutions. I will cite a few extracts from the explanations given by Pitt in laying the Bill before the House of Commons :

" It seemed to his Majesty's servants the most desirable thing, if they could not give satisfaction to all descriptions of men, to divide the Province, and to contrive that one division should consist, as much as possible, of these who were well inclined towards the English laws, and the other of those who were attached to the French laws. It was perfectly true that in Lower Canada, there still remained a number of English subjects; but these would hold a much smaller proportion than if there was one from of government for every part of the province. It was for Upper Canada particularly that they were to expect a great addition of English inhabitants. (1)..... The proclamation referred to was made in 1763; and by the act of 1774. all English laws had been abolished except the criminal law. (2).....

" At present the Canadians were in possession of the criminal law of England and the civil law in many respects, but *not as to landed property* It was intended to continue the laws now in force in Quebec..... (3) The Upper Canada being almost entirely peopled by emigrants from Great Britain or from America, the Protes-

[1] Parliamentary History of England vol. 29, column 102.

[2] Parliamentary History of England vol. 29, column 404.

[3] Parliamentary History of England, vol. 28, column 1378

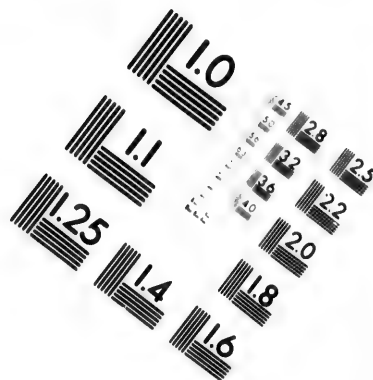
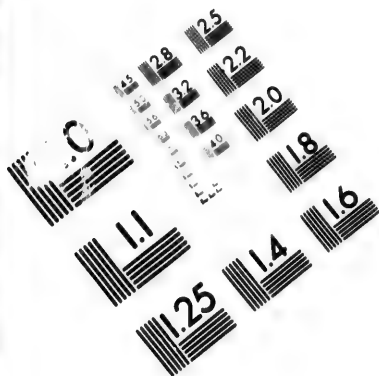
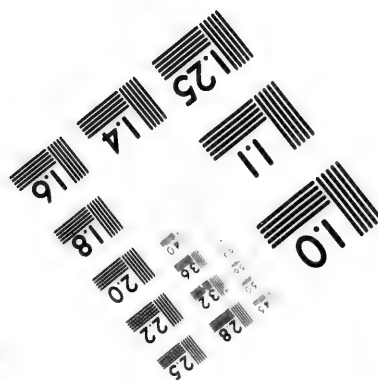
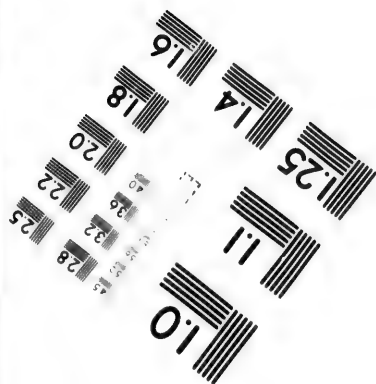
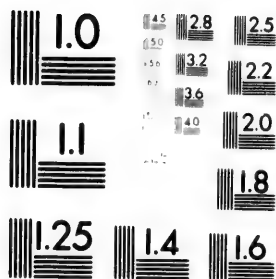
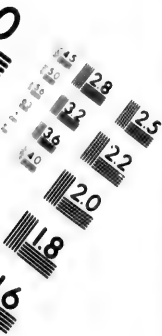


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"tant religion would be the establishment and
 "they would have the benefit of the English
 'tenure law (1)."

Fox expressed himself even in more positive terms :

"When the Province was divided it was
 "meant to leave the French laws in the one dis-
 "trict and the English laws in the other ; the con-
 "sequence of which would be, that in Lower
 "Canada, which consisted principally of French
 "inhabitants, all the French laws would continue
 "in force till altered by the legislation of the
 "country. (2)

All this, it must be admitted, proves without any doubt that the Act of 1774 established French laws and the seigniorial tenure, in the whole extent of the territory of the Province of Quebec, without any reserve whatsoever.

Mr. Sellar cannot therefore make good his assertions about the Act of 1774, whose sense and bearing cannot leave any doubt. Can he rest his pretensions on the Act of 1791 ? Certainly not. This statute does not establish English law as the law of the land, as regards land tenure, but only renders its application permissible in the Province of Lower Canada. This is its text :

"..... and that in every case where lands
 "shall be hereafter granted within the said Pro-
 "vince of Lower Canada, and where the grantee
 "thereof shall desire the same to be granted in
 "free and common soccage, the same shall be so

[1] Parliamentary History of England. Vol. 28, column 1373.

[2] Parliamentary Hist. of England, vol 29, column 405.

" granted ; but subject nevertheless to such alterations, etc. etc. 31 Geo. III (1791) c. 31, s. XLIII.

This is the only part of the Act of 1791 which introduces into Lower Canada English law as regards land tenure ; this provision does not cover any part of the Province in a special manner, it does not in the least affect the seigniorial tenure which applied to the whole territory ; it is not the law of the land, it is an exception to the law, for the benefit of those who might prefer the english tenure, in any part of the Province, even in the seigniories, in the event of the crown having lands therein to concede. But the Crown retained, in virtue of the Act of 1774, the right to concede all lands in fiefs and seigniories if it should think fit so to do.

ACT OF 1825

Mr. Sellar mentions in support of his proposition the statute of 1825—6 George IV., chapter 59.

What does this statute lay down relative to the question at hand ? Simply the application of English law relative to inheritances, mutations of property and dowers of women, as to properties held in free and common socage. If the Imperial Government desired to withdraw from the parish system the lands thus possessed, it would have inserted a provision in that sense in the statute, precisely as it did for these parts of the civil law which I have just mentioned.

USURPATION AT THE EXPENSE OF FRENCH-CANADIANS.

No, Mr. Sellar, there is not in the laws governing the Province of Quebec any provision removing any part of our Province from the parish system ; the introduction of this system into parts

of the Province situated outside of the seigniories is not a violation of the law nor a usurpation, it is the exercise of a right which has always belonged to Catholics, especially since 1774.

I will go farther: relying on the law itself and on the interpretation and declarations of the most prominent public men of England I assert that if there be usurpation any where, it has been committed to the detriment of the French-Canadians and of the Catholics of the Province of Quebec. The Act of 1791 deprived us of the finest part of the territory which the Act of 1774 guaranteed to us, as a country where we could in full liberty enjoy our civil and religious institutions, our parish system as well as the rest. There were at that time in Upper Canada French-Canadians and Catholics who were deprived of the free exercise of their institutions, and if, in imitation of the evil example which you give us, we desired, you and your friends, to rouse prejudices of race and religion, we could with every right claim, for the Catholics of Ontario, that which you urge upon the Equal Rights Association of Ontario to claim without right or reason for the Protestants of Quebec.

PROTECTIVE PROVISIONS

Thus, the parish system might be enforced in the whole Province of Quebec; but we have placed limits on this power by adopting, in favor of the Protestant minority, protective measures.

It is known that according to our laws, the territory erected into a parish by the civil authority in the seigniories, becomes thereby a municipal corporation.

The townships have been exempted from the above law by special provisions so as not to affect their municipal organization; the concurrence of the two thirds of the members of the county council is required for such a change. (See article 29 et seq. of the Municipal Code of the Province of Quebec.)

Here we see the careful attention which the majority of this Province displays in the exercise of its rights, in order not to hurt the feelings and susceptibilities of the minority.

And it is in presence of facts like these, that Catholics complain and insult us!

FINAL REMARKS

You will easily understand, Sir, that in the midst of the numerous and pressing occupations of a parliamentary session, it is impossible for me to prepare as complete a refutation, as I would wish to make, of the errors, false representations and calumnies which go to make up Mr Sellar's pamphlet. I only have touched upon the most serious ones. My fellow countrymen understand it well and they are reasonable and just enough not to demand that I should further defend them; but they are requested to complete my work.

Incomplete as it may be, I trust that this refutation will show to the honest Protestants what they must think of the pamphlet which, has provoked it, and to the Equal Rights Association, the compromising position into which it has been placed by its fellow-laborer, M. Sellar.

HONORÉ MERCIER.
Prime-Minister

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